

United States. Circuit Court. Northern Dist.
of Illinois. Northern Circuit.

| | | |
|------------------------------|---|-------------|
| American Graphophone Company |) | |
| versus |) | In Chancery |
| Leen F. Douglass |) | No.25,200 |

PARTIAL RECORD, 1899 - 1902

United States. Circuit Court. Northern District of Illinois.
Northern Division.

| | | |
|-------------------------------------|---|-------------|
| American Graphophone Co., Plaintiff |) | |
| |) | In Chancery |
| versus |) | |
| |) | No. 25,200 |
| Leon F. Douglass, Defendant |) | |

Partial Record, 1899 - 1902.

Xerox copies of originals
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Archives Section of the
Federal Records Center,
Chicago, Illinois, 1975.

IN THE CIRCUIT COURT OF THE UNITED STATES
For the Northern District of Illinois,
Northern Division.

B I L L O F C O M P L A I N T .

TO THE HONORABLE THE JUDGES OF THE CIRCUIT COURT OF THE
UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS, NORTHERN
DIVISION:

The American Graphophone Company, a corporation organized and existing under and by virtue of the laws of the State of West Virginia and having its principal office at Washington City in the District of Columbia, brings this, its bill of complaint, against LEON F. DOUGLASS residing and having a regular and established place of business in the said Northern Division of the Northern Judicial District of Illinois, *and a citizen of said State of Illinois -*

And thereupon your orator complains and says:

1. That GIANNI BETTINI of the City and State of New York was the original, first, and sole inventor of certain new and useful improvements in phonographs which improvements were not known or used by others in this country before his invention thereof, and were not patented or described in any printed publication in this or any foreign country before his invention thereof, and were not in public use or on sale in the United States for more than two years prior to his application for a patent therefor, and which had not been abandoned.

2. That on the 14th day of March, 1892 the said GIANNI BETTINI made application in due form of law to the Commissioner of Patents for the grant of Letters Patent of the United States for the said invention, and then and there fully con-

complied in all respects with the provisions and requirements of the laws of the United States in such case made and provided; that thereupon, due proceedings being had upon said application, on the 20th day of December, 1892, Letters-patent of the United States, in due form of law, under the seal of the Patent Office, signed and countersigned by the proper officers and numbered 488,381, were issued in the name of the United States of America and delivered to the said GIANNI BETTINI; and that the said Letters-patent did grant to the said GIANNI BETTINI his heirs or assigns, for a term of seventeen years from the said 20th day of December, 1892, the exclusive right to make, use, and vend the said invention throughout the United States and the Territories thereof, as by reference to the said Letters-patent or a duly authenticated copy thereof, here in Court to be produced, will more fully and at large appear.

3. That on the 3rd day of March, 1897, the said GIANNI BETTINI, by an instrument in writing duly signed and delivered, and recorded in the United States Patent Office the 5th day of March, 1897, Liber N/ 54, Page 446, did give, grant, assign, and convey to your orator, the entire right, title, and interest in and to the said Letters-patent, and in and to the invention secured thereby, as by reference to said instrument of assignment or a duly authenticated copy thereof, here in Court to be produced will more fully and at large appear.

4. That your orator has been ever since the date of the said assignment, and was at the time of the acts hereinafter complained of, and is now, the sole and exclusive owner of the Letters-patent aforesaid, and of all claims for infringement thereof; that it has never sold any machine or apparatus embodying or employing, or constructed or operating in substantial accordance with, the invention or improvements described and claimed in said Letters-patent, and has never authorized any person or persons to manufacture or to use such machine, with the single exception of a shopright license granted to the said GIANNI BETTINI; and that the infringing machines hereinafter complained of were not sold by complainant or under its patents, and were not made by its authority.

5. And your orator further shows, upon information and belief, that your orator and all persons making under its authority machines and apparatus constructed or operating in substantial accordance with the invention or improvements described and claimed in said Letters-patent, have given notice to the public that the same are patented, and have affixed thereto the word "patented", together with the day and year the said Letters-patent were granted; and your orator further shows that the said defendant~~x~~ was duly notified of his infringement herein complained of but refused to desist therefrom and still continues so to do.

6. And now your orator charges and avers, upon information and belief, that the defendant, LEON F. DOUGLASS (and others acting in connection with him to your orator now unknown), well knowing the premises, since the grant of the said Letters-patent, and since the acquiring by your orator of its title thereto as hereinbefore set forth, within the said

Northern Division of the Northern Judicial District of Illinois and elsewhere in the United States, wrongfully and unlawfully, and with the intent to injure your orator and to deprive it of the just profits resulting from said invention, which profits otherwise would accrue to it from the practise of said invention, and without the license or consent of your orator, has infringed said Letters-patent and your orator's exclusive rights therein, by making or causing to be made, using or causing to be used, and selling or causing to be sold machines or apparatus employing or embodying, or constructed or operating in accordance with, the invention and improvements described and claimed in the said Letters-patent; and that he still continues so to do, and that he ~~has~~ is threatening and preparing to continue the aforesaid unlawful acts to a large extent, all in defiance of the rights secured to your orator as aforesaid, and to its great and irreparable loss and injury, by which your orator has been and still is being deprived of great gains and profits that it would otherwise have obtained but for the aforesaid unlawful doings of the defendant; and your orator further shows that the said defendant has derived and received, and still is deriving and receiving, great gains and profits from such unlawful acts, but to what extent your orator is ignorant and cannot set forth, and therefore it prays a discovery thereof.

And forasmuch as your orator can have no relief save in this Honorable Court, your orator prays as follows:

1. That the said defendant and his associates, attorneys, servants, clerks, agents, and workmen may be perpetually enjoined and restrained by the writ of injunction issuing out

and under the seal of this Honorable Court, from directly or indirectly making or causing to be made, using or causing to be used, selling or causing to be sold, any machine or apparatus employing or embodying, or constructed or operating in accordance with the invention or improvements set forth in the Letters-patent aforesaid, or from in any wise counterfeiting or imitating the said invention; that y

2. That your Honors will grant unto your orator a preliminary injunction and also a temporary restraining order to the same purpose, tenor, and effect as hereinbefore prayed for with regard to said perpetual injunction;

3. That the defendant may be compelled, by the order of this Honorable Court, to deliver up to the judicial custody for destruction all such machines or apparatus in the possession or under the control of said defendant;

4. That the said defendant may be required, by a decree of this Honorable Court to account for all such gains and profits as have been received by him by reason of his infringing acts; and also that this Honorable Court may assess all the damages and losses which your orator has incurred or shall have incurred on account of the said infringement, and may increase the amount of said damages to a sum not exceeding three times the amount thereof; and that the said defendant be required to pay over to your orator, in addition to the profits accounted for by him, the damages incurred by your orator, so assessed by this Honorable Court;

5. That the defendant be decreed to pay the costs of this suit; and

6. That your orator may have such other and further relief as the equity of the case may require.

To the end, therefore, that the said defendant may, if he can, show why your orator should not have the relief hereby prayed, and may full, true, and direct answer make-- but not under oath, answer under oath being expressly waived ---according to the best andutmost of his knowledge, information, remembrance, and belief, to the several matters hereinbefore averred and set forth, as fully and particularly as if the same were repeated, paragraph by paragraph, and said defendant thereto severally and specifically interrogated; and further to the several interrogations hereinafter numbered and set forth, as by the note hereunder written it is required to answer, that is to say:

1. How many machine or apparatus embodying or employing or constructed or operating in substantialaccordance with, the invention and improvements described and claimed by the Letters-patent aforesaid, the defendant has made or caused to be made;

2. How many such machines or apparatus the defendants has sold or caused to be sold;

May it please your Honors to grant unto your orator a writ of subpoena ad respondendum, issuing out of and under the seal of this Honorable Court, directed to said defendant, Leon F. Douglass, and commanding him to appear and make answer to this Bill of Complaint, and to perform and abide by such order and decree herein as to this Court may seem just.

And your orator will ever pray.

(SEAL)

Philip Maura


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American Graphophone Co.
by *Ed East*
President



To the end, therefore, that the said defendant may, if he can, show why your orator should not have the relief hereby prayed, and may full, true, and direct answer make-- but not under oath, answer under oath being expressly waived ---according to the best and outmost of his knowledge, information, remembrance, and belief, to the several matters hereinbefore averred and set forth, as fully and particularly as if the same were repeated, paragraph by paragraph, and said defendant thereto severally and specifically interrogated; and further to the several interrogations hereinafter numbered and set forth, as by the note hereunder written it is required to answer, that is to say:

1. How many machine or apparatus embodying or employing or constructed or operating in substantial accordance with, the invention and improvements described and claimed by the Letters-patent aforesaid, the defendant has made or caused to be made;

2. How many such machines or apparatus the defendants has sold or caused to be sold;

May it please your Honors to grant unto your orator a writ of subpoena ad respondendum, issuing out of and under the seal of this Honorable Court, directed to said defendant, Leon F. Douglass, and commanding him to appear and make answer to this Bill of Complaint, and to perform and abide by such order and decree herein as to this Court may seem just.

And your orator will ever pray.

(SEAL)

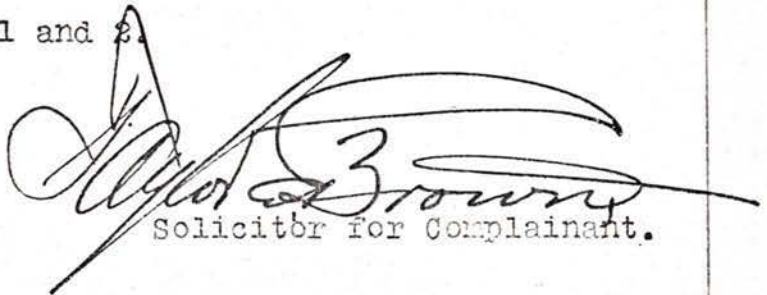
Philip Mauro
Robert Brown
of Counsel.

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American Graphophone Co.
by *Ed. East*
President

Robert Brown
its Solicitors.

The defendant Leon F. Douglass is required to answer
interrogatories numbered 1 and 2.


Solicitor for Complainant.

STATE OF NEW YORK,
County of New York, ss.:

E. D. EASTON, being duly sworn, deposes and says:
That he is President of the American Graphophone Company,
named as Complainant in the foregoing bill; that he has read
the same and knows the contents thereof, and that the same
is true of his own knowledge, save as to the matters therein
stated to be alleged upon information and belief, and that
as to those matters he believes it to be true; and that the
seal affixed to the said bill is the corporate seal of said
complainant, and was by him affixed to the bill by authority
of said corporation.

Sworn to before me this
Seventh day of June 1899


Notary Public,
N.Y.C.


E. D. Easton

Circuit Court of the United States, Northern District of Illinois.

In Equity.

American Graphophone Company, I
vs -I-
Leon F. Douglass. I

The answer of Leon F. Douglass to the bill of complaint of the American Graphophone Company:

This defendant, now and at all times hereafter saving and reserving unto himself all benefits and advantages of exception which can or may be had or taken to the many errors, uncertainties and other imperfections in the said complainant's bill of complaint, for answer thereto, or to so much and such parts thereof as he is advised is material or necessary to make answer unto, answering says:

I.

That as to whether the complainant is a corporation organized and existing under the laws of the State of West Virginia, as alleged in said bill of complaint, this defendant does not know, and is not informed save by said bill, and therefore leaves the complainant to make such proof thereof as may be advised is material.

II.

What he admits that Letters Patent of the United States, No. 483,381, were granted upon the second day of December, 1892, to Gianni Bettini, for an alleged improvement in phonograph. But this defendant denies that the alleged improvements set forth in said patent were not known or used by others in this country before said Bettini's alleged invention thereof, and were not patented or described in any printed publication in this or any foreign country before his alleged invention thereof, and were not in public

use or on sale in the United States for more than two years prior to his application for a patent therefor, and that the same had not been abandoned. And this defendant also denies that any exclusive right whatever was in fact granted by said letters patent.

111.

This defendant has no knowledge of ^{any assignment} said letters patent, and therefore neither admits nor denies the allegation of said bill contained in paragraph two thereof, and leaves the complainant to make such proof ^{thereof} as it is advised.

IV.

This defendant denies that the complainant has never authorized any person or persons to manufacture or to use the machine set forth in said patent, with the single exception of a shop right license granted to the said Bettini. And this defendant ^{1892 and also in} avers that the complainant, on the contrary, in the year ¹⁸⁹⁵ expressly licensed this defendant to use machines for duplicating sound records ^{under all patents} which it then owned or might thereafter acquire. And this defendant also avers, on information and belief, that the complainant has licensed the Edison Phonograph Works under the patent in suit. The defendant further denies the allegation of said bill that the infringing machines complained of therein were not sold by complainant or under its patents, and were not made by its authority, and avers the truth to be that the duplicating machines complained of each consist ~~of~~ of a phonograph with a duplicating attachment, and that all the phonographs embodied in said machines were sold to this defendant, either by the complainant or by its licensee without condition or restriction as to manner of use, and are full licensed under the patent in suit. And defendant further says that the duplicating attachments for said machines were made by this defendant and applied to said phonographs by the express authority of the complainant, and consequently such machines are

duly licensed under the patent in suit.

V.

This defendant denies that he has ever at any time, or at any place, without the license or consent of the complainant, infringed upon the letters patent in suit by making, or causing to be made, using or causing to be used, selling or causing to be sold, machines or apparatus employing or embodying, constructed or operating, in accordance with the invention and improvements described and claimed in said letters patent, or that he still continues so to do, or is threatening or preparing ^{to continue} any unlawful acts, or that he has caused the complainant any loss, or deprived it in any way of any gains or profits to which it was lawfully entitled, or that he has derived or received, or is still deriving or receiving any gains from any unlawful acts whatsoever.

VI.

This defendant further says that he was expressly licensed by the complainant in the year 1895 to make duplicate sound records in any number he saw fit, and wherever he saw fit, under all the complainant's patents then owned or thereafter acquired, and that under and by virtue of such license this defendant has made and used one or more machines for duplicating sound records, such machines consisting, as before stated, of phonographs sold by the complainant and its licensees without restriction, and duplicating attachments for such phonographs made and applied by this defendant. This defendant further says that he has used said duplicating machines for a long time with the full knowledge and consent of said complainant's officers, and without any protest or objection from them.

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VII.

This defendant, while he fully believes he is licensed to use the letters patent in suit in his duplicating machines, yet without waiving that defense and still relying upon it, says that said letters patent are invalid because the said Bettini was not the first inventor of the alleged improvement~~s~~ set forth therein, but that the same, and all substantial and material parts thereof was, long prior to any invention thereof by the said Bettini, known to and used ~~known~~ by this defendant at Grand Island, Nebraska, and also at Chicago, Illinois; and also by Edward H. Amet, of Waukegan, Illinois, at said Waukegan.

VIII.

That, upon information and belief, said letters patent was surreptitiously and unjustly obtained for that which was in fact invented by this defendant, who then lived at Grand Island, in the State of Nebraska, and now residing in Chicago, Illinois, and who was using reasonable diligence in adopting and perfecting it.

IX.

That, upon information and belief, said letters patent was surreptitiously and unjustly obtained for that which was in fact invented by Edward H. Amet, who then and now lives at Waukegan, in the State of Illinois, and who was using reasonable diligence in adopting and perfecting it.

X.

That, on information and belief, the said Bettini was not the first inventor or discoverer of the alleged invention or improvement in said letters patent set forth, or any material or substantial part thereof, because the same was, long prior to said Bettini's alleged invention, set forth in the following letters patent of the United States, to-wit:

Letters Patent of the United States, as follows:

| NAME. | NUMBER. | DATE. |
|---------------------------------------|---------|---------------------|
| Charles H. Field..... | 17,146 | April 28, 1857. |
| O. H. Bogardus..... | 32,959 | July 30, 1861. |
| T. Kennedy..... | 52,294 | January 30, 1866. |
| Theodore Cooper..... | 56,141 | July 3, 1866. |
| Ralph S. Mershon..... | 72,521 | December 24, 1867. |
| L. Hillman..... | 93,619 | August 10, 1869. |
| James M. Connor..... | 115,934 | June 13, 1871. |
| Frederick B. Miles..... | 111,859 | February 14, 1871. |
| George R. Rabbitt..... | 153,212 | July 21, 1874. |
| Robert R. Atchison..... | 174,715 | March 14, 1876. |
| John C. Guerrant..... | 183,920 | October 31, 1876. |
| Loring Pickering..... | 191,464 | May 29, 1877. |
| Thomas A. Edison..... | 200,521 | February 19, 1878. |
| Thomas A. Edison..... | 201,760 | March 26, 1878. |
| Thomas A. Edison..... | 213,554 | March 25, 1879. |
| A. Wilford Hall..... | 219,939 | September 23, 1879. |
| Thomas L. Luders..... | 222,292 | December 2, 1879. |
| Milton Bradley..... | 225,457 | March 16, 1880. |
| Thomas A. Edison..... | 227,679 | May 18, 1880. |
| Robert M. Lockwood <i>et al</i> | 231,065 | August 10, 1880. |
| John W. Kenyon..... | 232,978 | October 5, 1880. |
| William A. Leggo..... | 238,929 | March 15, 1881. |
| Seth E. Beedy..... | 266,746 | October 31, 1882. |
| A. S. Nichols..... | 271,903 | February 6, 1883. |
| J. Harris Rogers..... | 277,349 | May 8, 1883. |
| James H. M. Waldorp..... | 279,292 | June 12, 1883. |
| James W. Rogers..... | 283,665 | August 21, 1883. |
| Christopher C. Reynolds..... | 287,166 | October 23, 1883. |
| John Absterdam..... | 295,219 | March 18, 1884. |
| Rufus Anderson..... | 296,376 | April 8, 1884. |
| Albert Schmid..... | 298,030 | May 6, 1884. |
| George M. Guerrant <i>et al</i> | 305,178 | September 16, 1884. |
| S. Taintor..... | 341,237 | May 4, 1886. |
| L. F. Douglass..... | 475,490 | May 24, 1892. |

Letters Patent of Great Britain, as follows:

| NAME. | NUMBER. | DATE. |
|-----------------------------|---------|-------|
| William Mann..... | 1,912 | 1857 |
| Aime L. E. Briettmayer..... | 324 | 1860 |
| Henry B. Greenwood..... | 225 | 1870 |
| Thomas A. Edison..... | 2,909 | 1877 |
| Thomas A. Edison..... | 1,644 | 1878 |
| Herbert J. Hadden..... | 291 | 1882 |

Letters Patent of France, as follows:

| NAME. | NUMBER. | DATE. |
|---------------------------------|---------|---------------------|
| Thomas A. Edison..... | 121,687 | February 19, 1878. |
| Patent of Addition thereto..... | | February 19, 1878. |
| Thomas A. Edison..... | 124,974 | September 17, 1878. |
| Charles Cros..... | 124,213 | July 27, 1878. |
| Patent of Addition thereto..... | | October 3, 1878. |
| Antonio Vicini..... | 128,215 | March 17, 1879. |
| Charles Weyher..... | 135,688 | May 20, 1880. |
| Patent of Addition thereto..... | | March 23, 1880. |
| Patent of Addition thereto..... | | June 11, 1880. |
| Patent of Addition thereto..... | | September 20, 1883. |
| Paul Goloubitzky..... | 145,584 | December 7, 1881. |
| Patent of Addition thereto..... | | March 15, 1882. |
| Patent of Addition thereto..... | | September 26, 1882. |
| Patent of Addition thereto..... | | September 20, 1883. |
| Morel..... | 146,670 | March 17, 1883. |
| Morel..... | 146,673 | March 17, 1883. |
| Claude A. Terrier..... | 156,749 | November 8, 1883. |

Letters Patent of Germany, as follows:

| NAME. | NUMBER. | DATE. |
|-------------------|---------|-------------------|
| Thomas A. Edison. | 12,631 | July 12, 1878. |
| Kleist & Company. | 11,053 | January 24, 1879. |
| Thomas A. Edison. | 14,308 | August 18, 1881. |
| Thomas A. Edison. | 12,631 | April 27, 1881. |

Letters Patent of Canada, as follows:

| NAME. | NUMBER. | DATE. |
|-------------------|---------|---|
| Thomas A. Edison. | 8,026 | October 17, 1877. Issued October 20, 1877. |
| Thomas A. Edison. | 9,282 | October 19, 1878. |

And also the following letters patent granted to Thomas A. Edison in the countries named, to wit:

Belgium, No. 43,984, dated January 31, 1878, and No. 45,375, dated June 29, 1878.

Italy, No. 422, dated February 8, 1878, and No. , dated July 4, 1878.

Austria, dated January 1, 1879, and dated January 8, 1879.

Spain, dated May 6, 1878.

Russia, No. 1,161, dated February 15-27, 1882.

Norway, dated October 8, 1878.

Sweden, dated March 29, 1879.

Denmark, No. 1,345, dated October 31, 1878.

India, deposited March 20, 1879.

New South Wales, dated September 16, 1878.

Victoria, dated August 13, 1878, and No. 2,549, dated August 15, 1878.

X.1-2.

That, on information and belief, the said Betinni was not the original and first inventor and discoverer of the alleged invention or improvement in said letters patent set forth, or any substantial or material part thereof, and that the alleged invention or improvement and all substantial and material parts thereof was, long prior to any invention by the said Betinni, set forth in the following printed publications, namely: The specifications and drawings of each and all letters patent so enumerated in the last preceding allegation, The United States patent so enumerated having been published on or about the day of their date by the United States Patent Office, Washington, D.C.; the letters patent of Great Britain so enumerated having been published on or about the day of their date by the Great Seal Patent Office, London, England; and the letters patent of other foreign countries so enumerated having been published on or about the day of their date by the Patent Offices of those respective countries.

Chemical News and Journal of Physical Science, Vol. 37, page 99 et seq., published at London, March 8th, 1878, by William Crookes.

Chambers Journal, Vol. 55, page 126 et seq., published at London and Edinburg, February 23d, 1878, by W. and R. Chambers.

Chambers Journal, Vol. 55, page 296 et seq., published at London and Edinburg, March 30th, 1878, by W. and R. Chambers.

Chambers Journal, Vol. 55, page 256 et seq., published at London and Edinburg, April 20th, 1878, by W. and R. Chambers.

Engineering, Vol. 25, page 187 et seq., published at London, March 8th, 1878, edited by W. H. Maw and J. Dredge.

The Engineer, Vol. 46, page 84 et seq., published at London, August 2d, 1878, by George Leopold Riche.

The Engineer, Vol. 56, page 283 et seq., published at London, October 12th, 1883, by George Leopold Riche.

The Engineer, Vol. 56, page 301 et seq., published at London, October 19th, 1883, by George Leopold Riche.

The Gentlemen's Magazine, Vol. 20, New Series, page 688 et seq., published at London, June, 1878, by Chatto and Windus.

Harper's New Monthly Magazine, Vol. 57, page 312 et seq., published at New York, July, 1878, by Harper & Brothers.

Harper's New Monthly Magazine, Vol. 57, page 470, et seq., published at New York, August, 1878, by Harper Brothers.

Harper's New Monthly Magazine, Vol. 57, page 632 et seq., published at New York, September, 1878, by Harper Brothers.

Harper's Weekly, Vol. 22, page 249 et seq., published at New York, March 30, 1878, by Harper Brothers.

Iron, Vol. 11, page 301 et seq., published at London, March 9, 1878, by "Iron" offices.

Iron Age, page 27, et seq., of issue June 27, 1878, published at New York, by David Williams.

Iron Age, page 24 et seq., of issue March 18th, 1878, published by David Williams.

Iron Age, page 5 et seq., of issue of May 23d, 1878, published at New York, by David Williams.

Iron Age, page 9 et seq., of August 22d, 1878, published at New York, by David Williams.

Journal of the Society of Telegraph Engineers and Electricians, Vol. 7, page 68 et seq., published at London, February 27th, 1878, by E. and F. W. Spon.

Journal of the Franklin Institute, Vol. 75, page 266, et seq., published at Philadelphia, April, 1878, by the Franklin Institute.

Journal of the Franklin Institute, Vol. 75, page 348 et seq., published at Philadelphia, May, 1878, by the Franklin Institute.

Journal of the Franklin Institute, Vol. 84, page 49 et seq., published at Philadelphia, July, 1882, by the Franklin Institute.

Journal of the Society of Arts, Vol. 26, page 109 et seq., published at London, January 11th, 1878, by Geo. Bell & Sons.

Journal of the Society of Arts, Vol. 26, page 241 et seq., published at London, February 15th, 1878, by George Bell & Sons.

Journal of the Society of Arts, Vol. 26, page 543 et seq., published at London, May 10th, 1878, by George Bell & Sons.

Knight's New Mechanical Dictionary, page 671 et seq., published at Boston, in the year 1884, by Houghton, Mifflin & Co.

Manufacturer and Builder, Vol. 10, page 84 et seq., published at New York, April, 1878, by H. N. Black.

Manufacturer and Builder, Vol. 10, page 173 et seq., published at New York, August, 1878, by H. N. Black.

Manufacturer and Builder, Vol. 11, page 95 et seq., published at New York, April, 1879, by H. N. Black.

Mechanics, Vol. 5, page 319 et seq., published at New York, April 26th, 1884.

Nature, Vol. 17, page 90 et seq., published at London and New York, November 29th, 1877, by Macmillan & Co.

Nature, Vol. 17, page 190 et seq., published at London and New York, January 3d, 1878, by Macmillan & Co.

Nature, Vol. 17, page 291 et seq., published at London and New York, February 7th, 1878, by Macmillan & Co.

Nature, Vol. 17, page 415 et seq., published at London and New York, March 21st, 1878, by Macmillan & Co.

Nature, Vol. 17, page 384 et seq., published at London and New York, March 17th, 1878, by Macmillan & Co.

Nature, Vol. 17, page 423 et seq., published at London and New York, March 28th, 1878, by Macmillan & Co.

Nature, Vol. 17, page 471 et seq., published at London and New York, April 11th, 1878, by Macmillan & Co.

Nature, Vol. 18, pages 38 and 39 et seq., published at London and New York, May 9th, 1878, by Macmillan & Co.

Nature, Vol. 18, pages 93 and 101 et seq., published at London and New York, May 23d, 1878, by Macmillan & Co.

Le Rappel, published at Paris, France, December 14, 1877.

Journal Cosmos, published at Paris, France, published December, 1878, describing phonograph of Abbe Carbonel. Also articles in numbers for 1879 describing Lambrigot's Phonograph.

Nature, Vol. 18, page 117 et seq., published at London and New York, May 30th, 1878, by Macmillan & Co.

Nature, Vol. 18, page 168 et seq., published at London and New York, June 13th, 1878, by Macmillan & Co.

Nature, Vol. 18, page 240 et seq., published at London and New York, June 27th, 1878, by Macmillan & Co.

Nature, Vol. 18, page 249 et seq., published at London and New York, July 4th, 1877, by Macmillan & Co.

Nature, Vol. 18, page 302 et seq., published at London and New York, July 18th, 1878, by Macmillan & Co.

Nature, Vol. 18, page 340 et seq., published at London and New York, July 25th, 1878, by Macmillan & Co.

Nature, Vol. 18, page 394 et seq., published at London and New York, August 8th, 1878, by Macmillan & Co.

Nature, Vol. 18, page 454 et seq., published at London and New York, August 22d, 1878, by Macmillan & Co.

Nature, Vol. 19, page 122 et seq., published at London and New York, December 12th, 1878, by Macmillan & Co.

Nature, Vol. 19, page 374 et seq., published at London and New York, February 25th, 1879, by Macmillan & Co.

Nature, Vol. 23, page 373 et seq., published at London and New York, February 17th, 1878, by Macmillan & Co.

Nature, Vol. 23, page 441 et seq., published at London and New York, March 10th, 1881, by Macmillan & Co.

Nature, Vol. 29, page 460 et seq., published at London and New York, March 13th, 1884, by Macmillan & Co.

The New York Times, published at New York City, issue of March 24th, 1878.

The New York Times, published at New York City, issue of April 20th, 1878.

The New York Times, published at New York City, issue of April 21st, 1878.

The New York Times, published at New York City, issue of June 9th, 1878.

The New York Times, published at New York City, issue of February 1st, 1880.

The New York Tribune, published at New York City, issue of December 26th, 1877.

The New York Tribune, published at New York City, issue of January 18th, 1878.

The New York Tribune, published at New York City, issue of March 21st, 1878.

The New York Tribune, published at New York City, issue of March 25th, 1878.

The New York Tribune, published at New York City, issue of April 6th, 1878.

The New York Tribune, published at New York City, issue of April 20th, 1878.

North American Review, Vol. 126, page 527 et seq., published at New York, May, June, 1878, by D. Appleton & Co.

Popular Science Monthly, Vol. 12, pages 719 et seq. and 748 et seq., published at New York, April, 1878, by D. Appleton & Co.

Quarterly Journal of Science, Vol. 8, New Series (Vol. 15 Old Series), page 245 et seq., published at London, 1878, at offices of the Quarterly Journal of Science.

Scientific American, Vol. 37, page 376, published at New York, December 17th, 1877, by Munn & Co.

Scientific American, Vol. 37, page 384 et seq., published at New York, December 22d, 1877, by Munn & Co.

Scientific American, Vol. 38, page 3 et seq., published at New York, January 5th, 1878, by Munn & Co.

Scientific American, Vol. 38, page 86 et seq., published at New York, February 9th, 1878, by Munn & Co.

Scientific American, Vol. 38, page 384 et seq., published at New York, June 22d, 1878, by Munn & Co.

Scientific American, Vol. 38, page 405 et seq., published at New York, June 29th, 1878, by Munn & Co.

Scientific American, Vol. 40, page 356 et seq., published at New York, June 7th, 1879, by Munn & Co.

Scientific American, Vol. 39, page 5 et seq., published at New York, July 6th, 1878, by Munn & Co.

Scientific American, Vol. 39, page 17, et seq., published at New York, July 13th, 1878, by Munn & Co.

Scientific American Supplement, page 1828 et seq., published at New York, March 16th, 1878, by Munn & Co.

Scientific American Supplement, page 1893 et seq., published at New York, April 13th, 1878, by Munn & Co.

Scientific American Supplement, page 1904 et seq., published at New York, April 20, 1878, by Munn & Co.

Scientific American Supplement, page 1973 et seq., published at New York, May 18th, 1878, by Munn & Co.

Scientific American Supplement, page 2187 et seq., published at New York, August 24th, 1878, by Munn & Co.

Scientific American Supplement, page 3454 et seq., published at New York, February 28th, 1880, by Munn & Co.

Scientific American Supplement, page 2113 et seq., published at New York, July 20th, 1878, by Munn & Co.

The Telegraphic Journal and Electrical Review, Vol. 6, page 6 et seq., published at London, January 1st, 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 182 et seq., published at London, May 1st, 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 250 et seq., published at London, June 15th, 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 53 et seq., published at London, February 1st., 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 142 et seq., published at London, April 1st, 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 275 et seq., published at London, July 1st., 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 317 et seq., published at London, August 1st, 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 6, page 385 et seq., published at London, September 15th, 1878, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 7, page 53 et seq., published at London, February 1st, 1879, by Houghton & Company.

The Telegraphic Journal and Electrical Review, Vol. 7, page 233 et seq., published at London, July 15th, 1878, by Houghton & Company.

Western Review, Vol. 1, page 681 et seq., published at Kansas City, Mo., January, 1878.

Western Review, Vol. 2, page 256 et seq., published at Kansas City, Mo., July, 1878.

Annual Report of Science and Industry, Vol. 7, page 399 et seq., published at New York, 1877.

The American Inventor, Vol. 1, page 42 et seq., published at Cincinnati, Ohio, March, 1878.

The American Inventor, Vol. 1, page 112 et seq., published at Cincinnati, Ohio, July, 1878.

Boston Journal of Chemistry and Popular Science Review, Vol. 12, page 122 et seq., published at Boston, Mass., May, 1878.

Boston Journal of Chemistry and Popular Science Review, Vol. 16, page 76 et seq., published at Boston, Mass., July, 1882.

English Mechanic and World of Science. Vol. 26, page 275 et seq., published at London, November, 30th, 1877, by Walter Sully.

English Mechanic and World of Science, Vol. 26, page 409 et seq., published at London, January 4th, 1878, by Walter Sully.

English Mechanic and World of Science, Vol. 26, page 427 et seq., published at London, January 11th, 1878, by Walter Sully.

English Mechanic and World of Science, Vol. 27, page 30 et seq., published at London, March 22d, 1878, by Walter Sully.

English Mechanic and World of Science, Vol. 27, page 559 et seq., published at London, September 6th, 1878, by Walter Sully.

English Mechanic and World of Science, Vol. 29, page 155 et seq., published at London, April 25th, 1879, by Walter Sully.

Industrial News, Vol. 3, page 28 et seq., published at New York, February, 1882, by the Inventors' Institute.

Minutes of Proceedings of the Institution of the Civil Engineers, Vol. 53, page 392 et seq., published at London, 1878, by the Institution of Civil Engineers.

Scientific and Literary Review and Journal of the Inventors' Institute, Vol. 13, page 85 et seq., published at London, June, 1878.

Science News, Vol. 1, page 202 et seq., published at Salem, Mass., May 1st, 1879.

Transactions of the Royal Society of Edinburgh, published at Edinburgh, July 19th, 1878.

The Year Book of Facts in Science and the Arts, pages 86 and 88, published at London, 1878.

Appleton's Cyclopaedia of Applied Mechanics, page 531 et seq., published at New York, 1879, by D. Appleton & Co.

The Advertiser, issue of May 9th, 1878, published at Paris, France.

Daily Evening Traveler, issue of May 23d, 1877, published at Boston, Mass.

Boston Courier, issue of June 2d, 1878, published at Boston, Mass.

Boston Herald, issued of June 1st, 1878, published at Boston, Mass.

Baltimore Daily News, issue of April 29th, 1878, published at Baltimore, Md.

Baltimore American, issue of May 21st, 1878, published at Baltimore, Md.

Boston Sunday Herald, issue of April 14th, 1878, published at Boston, Mass.

The Clipper, issue of February 28th, 1880, published at New York.

Cincinnati Commercial, issues of March 11th, April 1st, and May 5th, 1878, published at Cincinnati, Ohio.

Evening Journal, issue of May 9th, 1878, published at Chicago, Ill.

Cape Ann Advertiser, issue of May 24th, 1878, published at Cape Ann, Mass.

Dayton Democrat, issues of April 23d and May 11th, 1878, published at Dayton, Ohio.

Daily News, issue of April 10th, 1878, published at London.

London Daily Telegraph, issues of April 20th and May 22d, 1878, published at London.

London Times, issues of January 17th and April 20th, 1878, published at London.

London Morning Post, issue of April 20th, 1878, published at London.

Evening Transcript, issue of May 23d, 1878, published at Boston.

Boston Daily Globe, issue of May 24th, 1878, published at Boston, Mass.

Boston Journal issues of May 23d, 25th and 30th, 1878, published at Boston, Mass.

Boston Post, issue of May 24th, 1878, published at Boston, Mass.

Boston Daily Advertiser, issue of May 24th, 1878, published at Boston, Mass.

Frank Leslie's, issue of April 20th, 1878, published at New York.

London Weekly Graphic, issue of March 16th, 1878, published at London.

Lancaster Intelligencer, issue of February 25th, 1878, published at Lancaster, Pa.

New York Mail, issue of April 26th, 1878, published at New York.

Evening Post, issue of May 24th, 1878, published at New York.

The Daily Fredonian, issues of May 27th and June 6th, 1878, published at New Brunswick, New Jersey.

Evening Express, issue of March 20th, 1878, published at New York.

The New York Sun, issues of April 28th and August 29th, 1878, published at New York.

The World, issues of March 26th, April 9th, May 17th and May 31st, 1878, published at New York.

The Weekly Sun, issue of February 27th, 1878, published at New York.

The New York Herald, issues of February 24th, April 24th and April 28th, 1878.

The Weekly Witness, issue of May 2d, 1878, published at New York.

Newark Register, issues of May 3d and May 17th, 1878, published at Newark, N. J.

The Daily Advertiser, issue of May 3d, 1878, published at Newark, N. J.

Newark Evening Journal, issue of May 3d, 1878, published at Newark, N. J.

New York Graphic, issues of March 15th, April 2d, April 18th, June 8th, and August 30th, published at New York.

The Operator, issues of May 1st and June 1st, 1878, published at New York.

The Public, issue of May 2d, 1878, published at New York.

The Sunday Times, issue of April 7th, 1878, published at Philadelphia, Pa.

Pottsville Miners' Weekly Journal, issue of April 12th, 1878, published at Pottsville, Pa.

Philadelphia Inquirer, issue of April 20th, 1878, published at Philadelphia, Pa.

Philadelphia Times, issue of March 9th, 1878, published at Philadelphia, Pa.

Philadelphia Weekly Times, issue of April 27th, 1878, published at Philadelphia, Pa.

Illustrated Police News, issue of May 24th, 1878, published at New York.

Philadelphia Press, issue of March 9th, 1878, published at Philadelphia, Pa.

Philadelphia Record, issues of March 9th and March 21st, 1878, published at New York.

Philadelphia Ledger, issue of March 21st, 1878, published at Philadelphia, Pa.

Portsmouth Daily Chronicle, issue of March 12th, 1878, published at Portsmouth, N. H.

The State, issue of April 30th, 1878, published at Richmond, Va.

Rochester Democrat, issue of March 13th, 1878, published at Rochester, N. Y.

San Francisco Chronicle, issue of March 15th, 1878, published at San Francisco, Cal.

St. Joseph Daily Herald, issue of May 23d, 1878, published at St. Joseph, Mo.

Washington Star, issues of April 19th and May 7th, 1878, published at Washington, D. C., by the Evening Star Publishing Co.

Workshop Receipts (third series), page 172, published at London in the year 1884, by E. & F. W. Spon.

Engineering, Vol. 27, page 326 *et seq.*, published at London, April 18th, 1879, edited by W. H. Maw and J. Dredge.

Engineering, Vol. 27, page 202 *et seq.*, published at London, March 7th, 1879, edited by W. H. Maw and J. Dredge.

Comptes Rendus, Vol. 85, page 1082 *et seq.*, deposited by Ch. Cros, April 30th, 1877, descriptive of phonographs and their operation.

Scientific American, Vol. 37, page 304 *et seq.*, published at New York, November 17th, 1877, by Munn & Co.

Scientific American, Vol. 39, page 118 *et seq.*, published at New York, August 24th, 1878, by Munn & Co.

Haslock's Metal Turning Handbook, published at London, in the year 1882.

Telegraphic Journal, Vol. 7, page 53 *et seq.*, published at London, February 1st, 1879, by Houghton & Company.

Telegraphic Journal, Vol. 7, page 151 *et seq.*, published at London, May 1st, 1879, by Houghton & Company.

Le Nature, issue of May 3d, 1879, page 349 *et seq.*

Journal of the Society of Telegraph Engineers and Electricians, Vol. 8, page 303 *et seq.*, published at London, April 9th, 1879.

The Telephone, the Microphone and the Phonograph, by Count Du Moncel, Chapter on Phonographs, pages 235 to 261, etc., published at New York, 1879, by Harper & Brothers.

Scribner's Monthly, Vol. 15, pages 857 *et seq.*, and 899 *et seq.*, published at New York, April, 1878, by Scribner & Co.

Popular Science Review, Vol. 2 (New Series), page 219 *et seq.*, published at London, 1878.

The Speaking Telephone, Talking Phonograph and Other Novelties, by George B. Prescott, Chapter 10, pages 292 to 308 *et seq.*, published at New York, 1878.

Ganot's Elementary Treatise on Physics, pages 241 and 243, published at New York, in the year 1883, by William Wood & Company.

Elementary Treatise on Natural Philosophy, by A. Privat-Deschanel, part 3, pages 824 and 815, published at London in the year 1872, by Blackie & Son.

Vorschule der Experimentalphysik, pages 263 to 266 *et seq.*, published at Leipzig, in the year 1883, by Duandt & Handel.

L'Architecte, issue of April 27th, 1878, published in Paris, France, in 1878.

Le Monde Illustré, issue of April 6th, 1878, published in Paris, France, in 1878.

The Universal Engineer, issue of January 17th, 1879, Vol. 2, page 33 et seq., published in Manchester, England; edited by R. Z. Craven.

The World's Weekly Review of Science. Vol. 47, pages 590 et seq., published by Abbe Moigno, September-December, 1878.

Les Mondes, issue of December 12th, 1878, published in Paris, France.

X-3-4.

~~This~~ defendant claims the benefit of provisions of Section 4921 of the Revised Statutes, as amended by Act of March 3, 1837 respecting the limitation of actions in bar to the relief sought by the complainant in this suit.

That, as this defendant is informed and believes, said letters patent are invalid, because they do not disclose any invention in view of the state of the art, as that art existed at the time of said Bettini's alleged invention.

XII.

That, as this defendant is informed and believes, the specification attached to said patent in suit are ^{not} sufficiently full, clear and exact to enable any one skilled in the art to construct and use the alleged improvement.

XIII.

That the specification and drawings of said letters patent were, with the purpose of deceiving the public, made to contain less than the whole truth relative to said alleged invention.

XIV.

That by reason of its laches, and, further, by reason of its acquiescence in the acts and doings of this defendant, this complainant is forever estopped from enforcing any right of action against the said defendant under the patent in suit. And the defendant further alleges that by reason of the complainant's knowledge for long period last past, and by reason of the relations which have existed between the said complainant and the said defendant, the said complainant is further estopped from enforcing any right of action upon said letters patent against the said defendant.

XV.

Wherefore, and for the causes aforesaid, this defendant wholly denies the equity of complainant's bill herein, and all manner of wrongful and unlawful acts wherewith in the said bill of complaint he is charged, and further, denies the right of the complainant to

the relief, and each and every part thereof, alleged against this defendant in said bill of complaint, and submits that he should not be compelled to make any further answer than that herein contained.

All of which matters and things this defendant is ready and willing to aver, maintain and prove as this Honorable Court shall direct, and said defendant prays the same benefit from this answer as if he had demurred to the said bill where a demurrer would have been proper, and pleaded to the said bill where a plea would have been proper, and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

Leon F. Douglas
by Munday Evans & Adcock
his solicitors

Munday Evans & Adcock
Sols & of counsel for Deft.

Washington, D.C.

December 4th, 1899

Clerk of the United States
Circuit Court for the Northern Division
of the Northern District of Illinois.

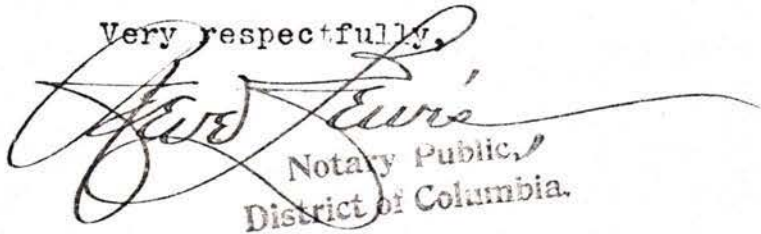
Dear Sir:

American Graphophone Company
vs. In Equity No. 25,200.
Leon F. Douglass.

Herewith I beg to transmit to the Court deposition of
Shelton T. Cameron and the exhibit ("Complainant's Exhibit Bettini
Patent in Suit"). therein referred, taken on behalf of Complainant
before me.

Please acknowledge receipt of the same and oblige,

Very respectfully,


Notary Public,
District of Columbia.

IN THE CIRCUIT COURT OF THE UNITED STATES
FOR THE NORTHERN DIVISION OF THE
NORTHERN DISTRICT OF
ILLINOIS.

| | | |
|-------------------------------|---|--------------|
| American Graphophone Company, |) | |
| Complainant, | : | |
| |) | In Chancery, |
| vs. | : | No. 25,200 |
| |) | |
| Leon F. Douglass, | : | |
| Defendant. |) | |

N O T I C E.

To-
Messrs. Munday, Evarts & Adcock,
#906 Marquette Building,
Chicago, Ill.
Solicitors for Defendant.

Gentlemen:-

Please take notice that we shall proceed to take the depositions de bene esse under the 67th Rule of the Supreme Court for Courts of Equity as amended, and in accordance with the statutes of the United States in such cases made and provided, and in pursuance of the rules and practice of this Court, of Shelton T. Cameron of the City of Washington, District of Columbia, who resides more than one hundred miles from Chicago, Illinois, where the Court at which the above entitled cause will be tried is to be held, and more than one hundred miles from any place at which a Circuit Court of the United States for the Northern Division of the Northern District of Illinois is appointed to be held by law, to be read in evidence at the final hearing of the above entitled cause on behalf of the complainant, (the reason for taking such

deposition of said Shelton T. Cameron being because he resides more than a hundred miles from the place of trial as stated), before Reeve Lewis, a Notary Public in and for the said District of Columbia, who is not of counsel nor interested in this cause, at the offices of Philip Mauro, No. 620 F. Street, in the City of Washington, District of Columbia, on Friday, the 17th day of November, 1899, beginning at the hour of ten thirty o'clock in the forenoon.

We desire the evidence to be adduced in this cause to be taken orally. You are invited to attend and cross-examine the witnesses produced.

Dated Chicago, Illinois, this 8th day of November, A. D. 1899.

Very respectfully,

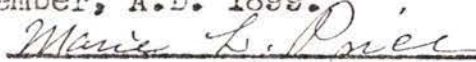


Solicitors for Complainant.

State of Illinois, :
County of Cook. : SS.

W. L. Hall, of lawful age, being first duly sworn upon oath deposes and says that he served the foregoing notice, by delivering a true copy thereof personally to Edmund Adcock, Esq., one of the firm of Munday, Evarts & Adcock, Defendant's Solicitors, at their offices #906 Marquette Building, Chicago, Illinois, between three and four o'clock, the 8th day of November, 1899.

Subscribed and sworn to before me this
8th day of November, A.D. 1899.


Notary Public.

IN THE UNITED STATES CIRCUIT COURT
FOR THE NORTHERN DIVISION
OF THE NORTHERN DISTRICT
OF ILLINOIS.

AMERICAN GRAPHOPHONE COMPANY

vs.

In Chancery No. 25,200.

LEON F. DOUGLASS.

PROOFS FOR FINAL HEARING

~~PRIMA FACIE PROOFS~~ taken on behalf of Complainant,

under the 67th Rule of the Supreme Court for Courts of Equity,
and in accordance with the Statutes of the United States
(Sections 863, 864 and 865 R.S.) in such cases made and
provided, at the Offices of Philip Mauro, #620 F. Street,
Washington, D.C. before Reeve Lewis, a Notary Public in and
for the District of Columbia, beginning Friday November
17th, at 10.30 A.M.

Met pursuant to annexed notice.

Present:

Philip Mauro, Esq. for Complainant.

No appearance for Defendant.

Complainant's counsel states that he has received
the following telegram:

"Philip Mauro, Washington, D.C.

Will represent Douglass in taking testimony
on Bettini patent. Please take depositions subject
to objections. I will cross examine next week.
Send me copy testimony to Newark.

Howard W. Hayes."

Counsel for Complainant reserves for the present his decision as to the requests contained in the foregoing telegram.

Counsel for Complainant offers in evidence certified copy of letters-patent granted to Gianni Bettini, December 20th, 1892, No. 488,481, for IMPROVEMENT IN PHONOGRAPHS, to be marked "Complainant's Exhibit Bettini Patent in Suit".

AND THEREUPON, SHELTON T. CAMERON, a witness produced on behalf of Complainant, being first duly sworn and cautioned to tell the truth, the whole truth, and nothing but the truth, deposes and says, in answer to interrogatories propounded by Mr. Mauro, as follows:

Q.1. Please state your name, age, residence and occupation.

A. My name is Shelton T. Cameron; I am 42 years of age; reside at Washington, D.C. and am by profession a lawyer, solicitor of patents, and expert in patent causes.

Q. 2. State briefly what training and experience you have had in comparing patented and unpatented devices for the purpose of determining questions of novelty and substantial identity.

A. I was for more than eight years an assistant examiner in the United States Patent Office where it was a part

of my daily duty to examine structure for which patents were asked, to compare the same with the prior art as such art was disclosed in prior patents and literature relating thereto, and to report upon the patentability of such structures in view of such prior art. Since severing my connection with the Patent Office I have been in continuous and uninterrupted practice of my profession, which involved the preparation of numerous applications for patents, the visiting of manufacturies and machine-shops, and have also testified many times as an expert witness in patent causes pending before the United States Courts.

Q. 3. Are you, or are you not familiar with methods of, and apparatus for, recording and reproducing sounds? and have you or have you not testified as an expert witness in suits relating to this art.

A. I am very familiar with the art referred to and have repeatedly testified as an expert witness in causes in the U.S. Courts in relation to said art.

Q. 4. Have you read U. S. patent No. 488,381 granted to Gianni Bettini, Dec. 20, 1892, and do you understand the construction and operation of the machine therein described?

A. I have read the patent referred to and understand the construction and operation of the mechanism described in said patent.

Q. 5. Please explain to the Court the construction of the machine described in said patent and the operation thereof, having reference particularly to claims 3 and 4 thereof.

A. This patent relates to the art of duplicating sound records or phonograms. In the art of recording and reproducing sounds, a sound record consists of a solid body having formed therein undulations or sinuosities corre-

sponding to the sound waves of the sounds recorded. The undulating or sinuous line upon the surface of the solid body may be formed either as the result of the direct action of the original sound waves or may be formed by instrumentalities actuated by a force other than the original sound waves. When the sound record is the result of the direct action of the sound waves upon the recording instrument such record is known as an "original" sound record; but when the sound record is due to the operation of instrumentalities controlled by means other than the original sound waves, the record is known in the art as a "duplicate" record. The machine described in the patent to Bettini to which you have invited my attention is one for producing duplicate sound records. Sound records may be formed on a flat or a cylindrical surface, but as the claims of the patent to which you have particularly called my attention designate only the cylindrical form of record tablet, I shall confine ~~my answer~~ my answer to records made upon cylinders. Referring to Fig. 1 of the drawings of the Bettini patent, the reference letter C designates a cylindrical tablet which has had a sound record formed thereon in any known manner, said record tablet being mounted to revolve about a horizontal axis A, and C' represents a blank cylinder or tablet upon which a duplicate record is to be formed. This blank tablet is mounted on the axis A', parallel with the axis A, and caused to revolve simultaneously with the record C by reason of suitable gearing connecting the two mandrels, as for example, a belt shown in dotted lines in Fig. 1 passing over the pulleys G G' on the respective mandrels, said pulleys being also shown in dotted lines. t represents a reproducing style having a rubbing point r in contact with the undulatory line of the record

on the tablet C, and t' represents a recording stylus having a cutting point r' in contact with the surface of the blank tablet C', the reproducing style t being connected to the recording style t' by a link e. These connected styles are mounted upon a yielding support shown in the patent as a diaphragm ring or frame N, having the diaphragm D therein, said frame being mounted to turn on an axis parallel with the mandrel shafts A A', and having a lever arm projecting from one side thereof upon which arm is carried an adjustable weight W, the weight being adjustable along the lever by reason of screw thread engagement therewith. The arm carrying the weight W, the diaphragm frame and the diaphragm, constitute a yielding support for the styles t and t', the latter being fulcrumed on the lever L which is in turn fulcrumed on the side of the diaphragm frame or ring N. The weight W causes the diaphragm frame or ring N to turn upon its axis, thereby holding the style r always in intimate contact with the undulations of the record C and likewise holding the cutting style r' embedded in the surface of the blank tablet. When the record C and the blank tablet C' are simultaneously revolved in the same direction, so that their adjacent surfaces move in reversed directions, as indicated by the small arrows in Fig. 1, the undulations on the record C tend to depress the rubbing style r upon the arm t, and since this arm t is connected ^{through} the link e with the lever t' the action is to depress the right hand end of the last mentioned lever, thereby slightly raising the cutting style r' but leaving the cutting edge still embedded in the surface of the blank. The result of this action is that the style r' cuts a crest or undulation in the surface of the tablet C' wherever there is a crest or undulation in the re-

record C with corresponding depressions between said crests or undulations, i.e., the style r' will produce in the tablet C' an exact duplication of the undulating or sinuous line in the record C.

In Fig. 2 the patent illustrates the same axes A A' bearing the same record and blank tablets C C' suitably geared together as shown in Fig. 1. In this instance, however, the diaphragm ring N is dispensed with and the reproducing style t is pivotally mounted upon a lever L, fulcrumed on the frame B of the machine and the recording stylet' is mounted on a like lever L' fulcrumed on the opposite side of the frame B. The lever L is acted upon by one arm of the lever H fulcrumed at d to the frame B of the machine and having a weight W adjustably secured on the other arm in the manner similar to that shown in Fig. 1. The two styles t t' are connected by the rigid wire or connecting link e. The operation of this construction is similar to that shown in Fig. 1 with this difference; - whenever the style r passes over the crest of an undulation in the record C, the opposite end of the reproducing lever t exerts a pull through the link e upon the arm of the recording lever t' thereby causing the cutting style r' to be embedded deeper in the surface of the tablet C', so that wherever there is a crest or undulation in the record C there will be formed in the tablet C' a depression; and vice versa, wherever there is a depression in the record C there will be a crest or undulation formed in the tablet C', and thus the irregular line formed in the tablet C' will be a counterpart of the irregular line in the record C. This, however, is wholly immaterial, as in either the case of the duplicate record formed by the action of the construction shown in Fig. 2, which is a fac simile of the

original record, or in the case of that formed by the construction shown in Fig. 2, which is an exact counterpart of the original record, - in either case, I say, the undulatory line when brought into operative relation with a suitable reproducing instrument will actuate such instrument so as to reproduce the sounds originally recorded. Either form constitutes what is known in the art as a ~~XXXXXXXXXXXXXX~~ duplicate sound record.

The construction shown in Fig. 4 of the drawings is a variation of that shown in Fig. 1; that is, the weighted arm is directly attached to the diaphragm ring N which is mounted to turn on an axis parallel to the axes A A', but instead of attaching the reproducing style t directly to the diaphragm carried by the ring N, such style is mounted upon the lever L pivoted to the diaphragm ring and has a rigid connection with the diaphragm through the medium of a small piece of cork c. The style t' is pivotally mounted upon the lever L' with its cutting point in contact with the tablet C' and is connected to the diaphragm by a link e after the manner which I have described in connection with Fig. 2. The modification illustrated in this figure produces in the blank tablet an undulation wherever there is an undulation in the original record; in other words it produces a fac simile of the original record as was done by the construction shown in Fig. 1. In Fig. 3, however, the construction is more nearly similar to that shown in Fig. 2, the diaphragm ring being mounted in the frame of the machine with out any axis upon which to turn and the levers L L' being controlled by weights W W' and supporting the rubbing style

respectively
t and the cutting style t'. The operation of the device is however, substantially identical with that shown in Fig. 2 and the duplicate record produced is a counterpart, rather than a fac simile, of the original record.

Claim 3, being one of those to which you invite my particular attention is as follows:

"3. A pair of independent phonogram cylinders sustained by parellel axles geared together, one of said cylinders having a record on its face; a reproducing stylus adapted to follow this record; a recording stylus attached to the reproducing stylus by intermediate connections, and adapted to make a duplicate record on the face of the second cylinder substantially as described."

The "pair of independent phonogram cylinders" mentioned in this claim refers respectively to the cylinder C having a record formed thereon, and the blank cylinder C' upon which the duplicate record is to be formed, and the claim defines said cylinders as mounted upon "parellel axles" i.e., the axles A A', and suitably "geared together". The claim also calls for a "reproducing stylus adapted to follow the record". This is the style t having the rubbing point r attached thereto which point is held by the weight W in contact with the record on the table C. The claim further calls for a "recording stylus attached to the reproducing stylus by intermediate connections", which is answered by the cutting point r' mounted on the stylus lever t' and connected to the reproducing stylus t through the medium of the link e. The whole structure is defined by the claim as being "adapted to make a duplicate record on the face of the second cylinder", which, as I have heretofore explained, the style point r' acting under the influence of the style r and the intermediate connections, will do.

Claim 4 is as follows:

"4. A pair of phonogram cylinders sustained by parallel axles geared together, one of said cylinders, having a prepared record on its face; a pivoted reproducing stylus fulcrumed to a lever; a pivoted record producing stylus resting normally on the face of the second phonogram cylinder and fulcrumed to a second lever with connections between said styles, whereby a duplicate record is made upon the face of the second cylinder, as the two are revolved - substantially as described."

As I have pointed out in connection with claim 3, the "pair of phonogram cylinders sustained on parallel axles geared together", one having a "record on its face", refers to the tablet C with the record formed thereon, and the blank tablet C', the two being mounted on parallel axles A A', and connected or geared together ^{through} the medium of the belt or pulleys G G'. The "Pivoted reproducing stylus fulcrumed to a lever", is found ^{illustrated in} in the modification ^{illustrated in} Figs. 3 and 4 where the stylus t having the rubbing point r is fulcrumed upon the lever L. The "pivoted record producing stylus resting normally on the face of the second phonogram cylinder and fulcrumed to a second lever", refers to the pivoted stylus t' whose cutting point r' normally rests in contact with the surface of the blank cylinder or phonogram surface C' and which is fulcrumed upon the lever L'. Furthermore, this claim requires that there should be "connections" between the styles, these connections referring to the link e connecting the pivoted styles t t', the whole being so constituted that "a duplicating record is made upon the face of the second cylinder as the two are revolved."

Q. Please examine the blue print drawing I now hand you, and which is marked "Complainant's Exhibit, Drawing Douglass Duplicating Machine, Sheet 1", and state whether or not you

are familiar with the construction, operation and result of the operation of machines such as represented by such drawing, and if so please briefly describe such construction, operation and result.

A. I recognize the blue print drawing "Complainant's Exhibit Drawing Douglass" Duplicating Machine", as being a blue print of the same drawing concerning which I have recently testified in a suit brought by the complainant herein against the defendant Douglass herein and others. I also recognize the machine illustrated by the blue print as being a duplicating machine designed to produce ~~xxxx~~ duplicate sound records. The part marked A is the travelling arm of the ordinary Edison phonograph, which arm is mounted to travel upon the round rod shown in section on the right hand side of the drawing, and which I have marked in red ink A2, means, such as a screw shaft and co-operating nut, being usually employed to move the arm A. The parts indicated by the letters E, F, I recognize as mandrels upon which record tablets X and Y are mounted, the same having parallel axes, and being geared together so as to simultaneously revolve in the same direction. B is an upright standard borne by the arm A, and has pivotally connected thereto a lever C, on one end of which is a weight W adjustable thereon by reason of screw threaded connection therewith. On the end of the lever C opposite the weight W is a pivoted style D whose rubbing point is in contact with the tablet X on the mandrel E, and G is a pivoted style whose cutting edge is in contact with the ~~mandrel~~ tablet Y on the mandrel F, this style being fulcrumed on a lever L and connected to the style D by means of the connecting link H. The operation of this machine

is exactly that of the modification illustrated in Fig. 2 of the Bettini patent, i.e., assuming the tablet X on the mandrel E to have ^a ~~the~~ record formed thereon, and the tablet Y on the mandrel F to be a blank tablet, and the two tablets to be simultaneously revolved in the same direction, each undulation or crest of the record on the tablet X would cause the pivoted style D to lift or pull through the link H on one end of the pivoted style G so as to depress the cutting edge thereof deeper into the surface of the tablet Y on the mandrel F. The result would be that wherever there was a crest formed in the record X on the mandrel E, there would be a depression in the tablet Y on the mandrel F, i.e., a duplicate record would be produced upon the last mentioned tablet which would be an exact counterpart of that upon the record tablet X. The two styles D and G are held in contact with the respective surfaces through the action of the weight W upon the lever C and the extent or amount of pressure exerted by the stylus upon these tablets may be regulated by moving the weight W either nearer or farther from the fulcrum of the lever E as may be desired.

Q. Please compare the structure shown by this drawing with that defined in claims 3 and 4 of the Bettini patent No. 488,381 in suit, and state whether or not such structure responds to the substance and terms of said claims.

A. Comparing the structure of the machine shown in this drawing with that defined by claim 3 of the patent, I find that it responds thereto in every particular. The claim calls for "a pair of independent phonograms cylinders sus-

tained upon parallel axles geared together"; the two cylinders X and Y upon the mandrels E and F of the drawing, I recognize as phonogram cylinders, the two mandrels in structures of this kind being always geared together so as to turn upon parallel axles. The claims further requires that one of said cylinders shall have a "record on its face," without a record formed upon one of these cylinders as for example, the cylinder X upon the mandrel E, the entire mechanism would be inoperative for the production of any useful result. The next element demanded by the claim is "a reproducing stylus adapted to follow this record". This I find in stylus D of the drawing, which is adapted to follow a record on the cylinder X; furthermore, the claim requires "a recording stylus attached to ^{the} a reproducing stylus by intermediate connections." This I find in the stylus G of the drawing which is a recording stylus and is attached to the reproducing stylus D by the intermediate connecting link H, and the parts are all adapted to so operate as to produce upon the surface of the tablet^Y on the mandrel F a duplicate of any record that may be upon the face of the tablet^X on the mandrel E as is demanded by the claim.

Comparing the structure shown in this drawing with that defined by claim 4 of the patent, I find the "pair of phonogram cylinders sustained by parallel axles geared together" as is demanded by the claim and as I have already explained in connection with claim 3. I find "a pivoted reproducing stylus", being D of the drawing, "fulcrumed to a lever", the stylus D of the drawing being fulcrumed to the lever C. I find "a pivoted record producing stylus, resting normally on the face of the second phonogram cylinder", i.e., the

record producing stylus is "pivoted" and is "fulcrumed to a second lever", i.e., the lever L as is demanded by the claim; and I find "connections between said styles" i.e. the connecting link H of the blue print drawing; and finally I find the whole so constructed as to make upon the face of the tablet Y borne by the mandrel F, which constitutes the "second cylinder", a record which is a duplicate of that upon the tablet X on the mandrel E, whenever the two tablets are revolved together. In short, I find in the construction shown in this drawing the exact construction defined by claims 3 and 4 of the Bettini patent No. 488,381 in suit. Comparing the structures of the blue print drawing and of Fig. 3 of the drawing of the patent to Bettini, I find the lever C with its weight W bearing the stylus D of the blue print corresponds exactly with the lever L bearing the weight W and the stylus t of Fig. 3 of the drawing of the patent. I find that the lever L of the blue print having the style G fulcrumed thereon, corresponds to the lever L' of the drawing of the patent having the recording style t' fulcrumed thereon; and I find the two styles D and G of the blue print drawing to be connected by the link H just as the styles t and t' of the patent are connected by the link e. The amount of pressure which the styles exert upon the respective surfaces is determined by an adjustable weight W in one case as in the other, and the machine illustrated in the blue print drawing, when operated, would produce a duplicate record which is the counterpart of the original record, precisely as the machine illustrated in Fig. 3 of the patent would produce a duplicate record which is the counterpart of the original record. In short the machines do not vary in a single essential particular.

Adjoined subject to further notice.

Counsel for defendant objects to the taking of any deposition or offering any evidence in Washington under this notice, on the ground that the same is irregular, contrary to the rules of the Court and contrary to chancery proceedings generally; and because there is no authority of law for the introduction of documentary evidence de bene esse, or the taking of depositions de bene esse in chancery causes. And especially objects for the above reasons to the deposition of Shelton T. Cameron, and to said complainant's Exhibit Bettini Patent in suit.

IN THE CIRCUIT COURT OF THE UNITED STATES
FOR THE NORTHERN DIVISION OF THE
NORTHERN DISTRICT OF
ILLINOIS.

| | | |
|-------------------------------|---|--------------|
| American Graphophone Company, |) | |
| Complainant, |) | |
| |) | |
| vs. |) | IN CHANCERY, |
| |) | No. 25,200. |
| Leon F. Douglass, |) | |
| Defendant. |) | |

CERTIFICATE OF MAGISTRATE.

District of Columbia:ss:

I, REEVE LEWIS, a Notary Public in and for the District of Columbia, duly commissioned and qualified, and authorized to administer oaths and to take certified depositions, do hereby certify that pursuant to the annexed notice issued and served in this case, personally appear before me, on the 17th day of November, 1899, at the offices of Philip Mauro, Esq., #620 F St., N.W., Washington, D.C. D. C., SHELTON T. CAMERON, a witness produced on behalf of complainant; and Philip Mauro, Esq., appeared on behalf of complainant, and that no appearance was made on behalf of defendant.

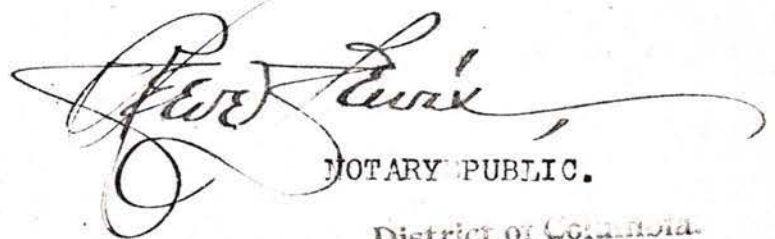
That said witness, Shelton T. Cameron, who was of sound mind and lawful age, was first duly sworn and cautioned by me to tell the truth, the whole truth, and nothing but the truth that he thereupon testified as is above shown, and that his deposition as above set forth was reduced to typewriting in the presence of the witness and counsel and was subscribed by the witness in my presence, and was taken at the time and place above specified.

I further certify that the reason for taking said deposition was, and is, and the fact was, and is, that the said

deponent lives at Washington, D.C., more than one hundred miles from the place where the said cause is appointed by law to be tried; that I am neither counsel nor interested in the event of said cause, and that it being impracticable for me to deliver said depositions and exhibits therein referred to with my own hand into the Court for which they were taken, I have retained the same for the purpose of being sealed up and directed with my own hand, and speedily and safely transmitted to the said Court, and to remain under my seal until there opened.

And I further certify that my fees for taking, certifying and returning said deposition amounting to — have been paid to me by complainant, and that the same are just and reasonable.

In testimony whereof I have hereunto set my hand and official seal this 5th day of September, 1899.


NOTARY PUBLIC.
District of Columbia.

U.S. Circuit Court, Northern Division
Northern Dist. of Illinois
American Graphophone Co. }
Leon F. Douglass.

Complainants
Exhibit Bettini
Patent in Suit.
No. 2520
Notary Public
District of Columbia

Department of the Interior

UNITED STATES



PATENT OFFICE.

To all persons to whom these presents shall come, Greeting:

This is to certify That the annexed is a true copy from the

Records of this office of the
Letters Patent granted
Gianni Bettini
December 20. 1892. Number 488,381
for
Improvement in Phonographs

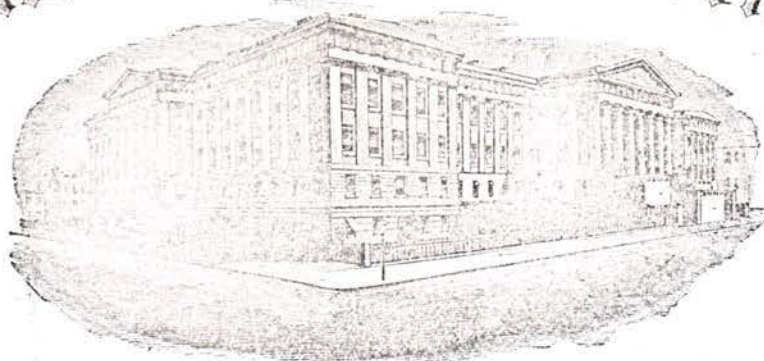
In testimony whereof I have hereunto set my hand and
caused the seal of the Patent Office to be affixed at
the City of Washington this 9th day
of November, in the year of our Lord one
thousand eight hundred and ninety-nine
and of the Independence of the United States of
America the one hundred and twenty-fourth.



C. H. Duell

No. 488,387.

The United States of America.



To all to whom these Presents shall come:

Whereas, *Gianni Bettini,*

of New York, New York,

has presented to the Commissioner of Patents a petition praying for the grant of **LETTERS PATENT** for an alleged new and useful improvement in

Phonographs,

a description of which invention is contained in the Specification of which a copy is hereunto annexed and made a part hereof, and has complied with the various requirements of Law in such cases made and provided; and

Whereas upon due examination made the said Claimant is adjudged to be justly entitled to a Patent under the Law.

Now therefore these **LETTERS PATENT** are to grant unto the said

Gianni Bettini, his heirs or assigns for the term of ~~seventeen~~ years from the ~~twentieth~~ day of ~~December~~, one thousand eight hundred and ninety-two, the exclusive right to make, use and vend the said invention throughout the United States and the Territories thereof.



In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the City of Washington this ~~twentieth~~ day of ~~December~~, in the year of our Lord one thousand eight hundred and ninety-two, and of the Independence of the United States of America the one hundred and ~~seventeenth~~.

Witnessed:

H. C. Simonds

Commissioner of Patents.

Lynnes Bussey

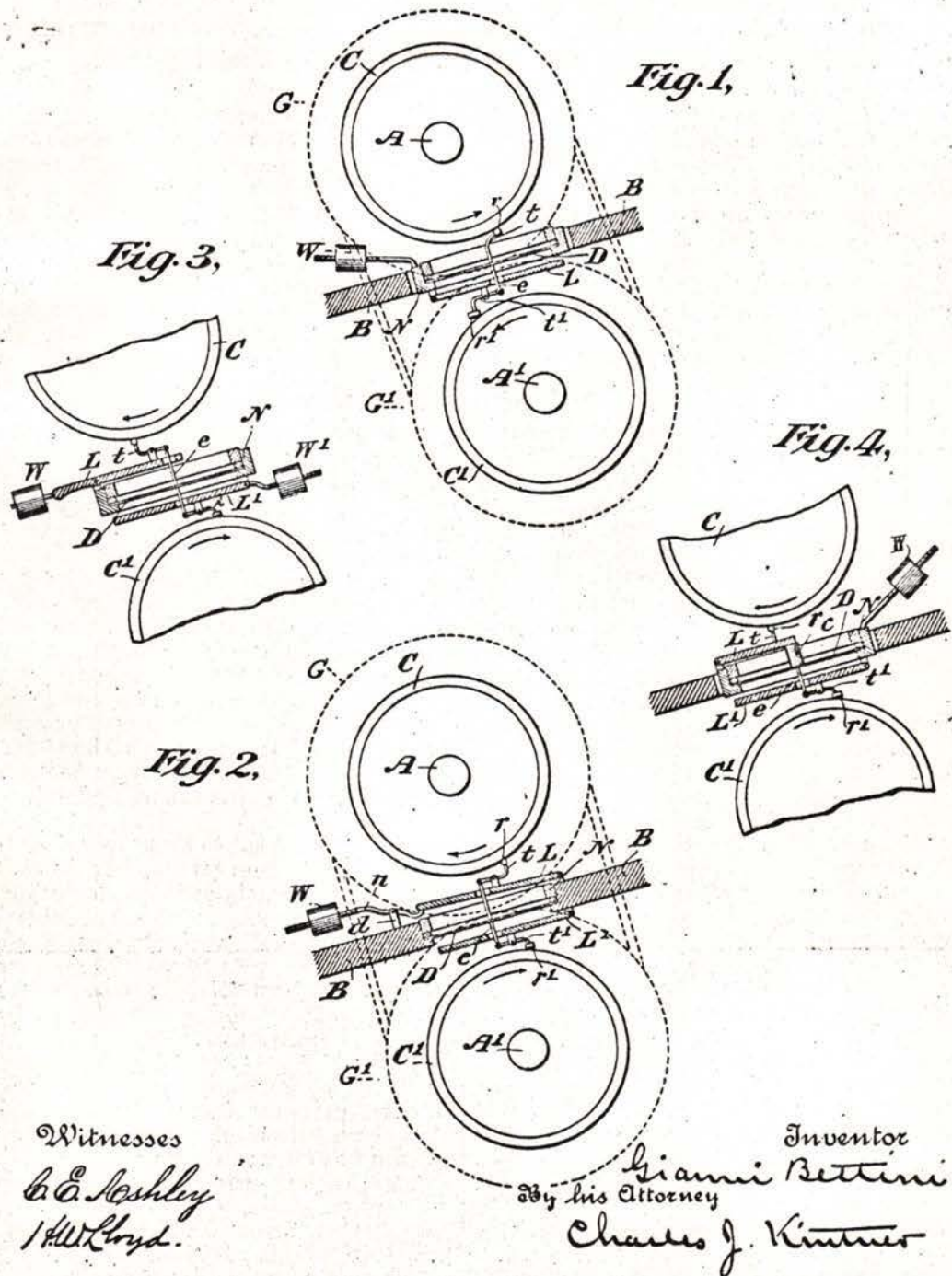
Assistant Secretary of the Interior.

(No Model.)

G. BETTINI.
PHONOGRAPH.

No. 488,381.

Patented Dec. 20, 1892.



UNITED STATES PATENT OFFICE.

GIANNI BETTINI, OF NEW YORK, N. Y.

PHONOGRAPH.

SPECIFICATION forming part of Letters Patent No. 488,381, dated December 20, 1892.

Application filed March 14, 1892. Serial No. 424,815. (No model.)

To all whom it may concern:

Be it known that I, GIANNI BETTINI, a subject of the King of Italy, and a resident of New York, in the county of New York and State of New York, have made certain new and useful Improvements in Phonographs, of which the following is a specification.

My invention is directed particularly to a novel apparatus for duplicating phonographic records, and its object is to simplify and cheapen the present expensive methods of making records where it is desired to place the same record upon many phonogram surfaces or cylinders. I accomplish this object with the apparatus hereinafter described, but particularly pointed out in the claims at the end of this specification.

In order that my invention may be fully understood reference is had to the accompanying drawings, in all of which like letters of reference represent like parts wherever used.

All of the figures of the drawings (four in number) are sectional views of modified forms of my novel apparatus designed to accomplish the result above indicated—

Referring first to Figure 1—A represents the axis—and C a phonogram cylinder carried thereby, and upon which has been placed a record which it is desired to duplicate mechanically.

B B represent parts of the frame of the apparatus which sustain my reproducing device.

C' represents another phonogram cylinder upon which it is desired to make a duplicate record, this cylinder being carried by an axis (A') parallel to the axis (A).

G G' are pulleys carried by the axes A and A' and connected together by a belt or cord so that they will rotate with the axes (A and A') and cylinders (C C').

N is a diaphragm supporting ring in which is secured a diaphragm D, this ring being in this instance pivotally supported on an axis parallel with the axes (A and A') and provided with a regulating arm and adjustable weight (W). To the upper side of the diaphragm is attached a record reproducing stylus (t) and to the lower side of this diaphragm is secured a pivoted recording or record producing stylus (t') the fulcrum of which is attached to a lever (L) the arrangement being such that the free end of the pivoted re-

producing stylus (t') is adapted to bear upon the surface of the duplicating phonogram cylinder (C'). The lever (L) it will be observed is pivoted at one end to the ring (N), and the arrangement is such that the reproducing stylus (t') will follow accurately the movements of the stylus (t).

The operation of this apparatus is as follows:—The axis (A) is set in motion in its usual way in the direction of the arrow, the stylus (t) having been properly adjusted in connection with the original record upon the phonogram cylinder (C) and the recording or record producing stylus (t') having been properly adjusted to bear upon the surface of the cylinder (A') with the desired pressure through the agency of the adjustable weight (W). The pulley (G) therefore, transmits to the pulley (G') motion in the direction of the lower arrow, so that the cylinder (C') rotates in the same direction as does the cylinder (C), and a correct record is therefore, transmitted from the stylus (t) through the link (e) and diaphragm (D) to the pivoted recording or record producing stylus (t'), thus causing the part r' to cut or produce in the cylinder (C') an accurate duplication of the record on the cylinder (C). After the record has been thus duplicated the second cylinder (C') may be removed and the operation repeated with duplicate cylinders for an indefinite number of times. In the form shown in Fig. 2 the diaphragm (D) is fixedly secured to the parts (B) of the frame and the adjustable feature, [which is attributable in Fig. 1 to the pivoted diaphragm, adjustable weight (W) and pivoted lever (L)] is effected through the agency of two pivoted levers (L and L') adjustable weight (W) and a third lever (n) the latter pivotally secured to one part (B) on a standard (d) with its short arm under the free end of the upper lever (L). In this instance it will be noted that the styles (t and t') are pivoted respectively to the levers (L and L') and are joined to each other through the agency of the diaphragm (D) and a rigid wire or connecting link (e).

The mode of operation of the form shown in Fig. 2 is not essentially different from that shown in Fig. 1.

In the form shown in Fig. 3, the diaphragm is rigidly supported, the same as in Fig. 2 and

adjustable weights (W and W') are secured to the outer ends of the levers (L and L') the styles (t and t') being pivotally secured to these levers and attached to each other through link (e) and diaphragm (D).

In Fig. 4 the diaphragm ring (N) is pivoted to the parts (B B) the same as in Fig. 1, and the stylus (t) is attached directly to the free end of the lever (L). This lever is pivoted at its other end directly to the diaphragm ring (N) and its free end connected directly to the diaphragm by a piece of cork (c), the diaphragm, in turn, being connected to the lower stylus (t') by a link (e). The stylus (t') is pivoted as in Fig. 1 to a lever (L').

In Figs. 3 and 4, the pulleys (G and G') are not shown although it will be understood that some means of operatively connecting the two phonogram cylinders (C C') will always be required. Of course other means than pulleys may be utilized for rotating the cylinders (C and C') together. The operation of these modified forms is entirely obvious in view of the description and the mode of operation of the modified forms illustrated in Fig. 1.

I do not limit myself to the specific forms of mechanism herein shown and described for duplicating phonogram records, as I believe I am entitled to claim broadly apparatus for duplicating such records through the agency of connected pivoted styles and my claims are generic in this particular.

I am aware of the record reproducing apparatus shown in Figs. 1 and 2 of the drawings of patent to S. Taintor, No. 341,287, granted May 4, 1886, and I make no claim hereinafter broad enough to include such a structure or any method involved in the use of such structure.

Having thus described my invention, what I claim and desire to secure by Letters-Patent of the United States is:—

1. A pair of independent phonogram surfaces, one of which has a record on its face; intermediate gearing as a belt and pulleys for causing said surfaces to move simultaneously; a stylus adapted to follow the conformation of the record, and a second stylus with intermediate connections adapted to reproduce the record on the second surface—substantially as described—

2. A pair of independent phonogram surfaces, one of which has a record on its face; intermediate gearing as a belt and pulleys for causing said surfaces to move together; a stylus resting on the record on the first surface; a second stylus resting on the face of the second surface, and an intermediate elastic or yielding support as a diaphragm with adjustable connections, as described—

3. A pair of independent phonogram cylinders sustained by parallel axles geared together, one of said cylinders having a record on its face; a reproducing stylus adapted to follow this record; a recording stylus attached to the reproducing stylus by intermediate connections, and adapted to make a duplicate record on the face of the second cylinder—substantially as described—

4. A pair of phonogram cylinders sustained by parallel axles geared together, one of said cylinders having a prepared record on its face; a pivoted reproducing stylus fulcrumed to a lever; a pivoted record producing stylus resting normally on the face of the second phonogram cylinder and fulcrumed to a lever with connections between said styles, whereby a duplicate record is made upon the face of the second cylinder, as the two are revolved—substantially as described—

GIANNI BETTINI.

Witnesses:

C. J. KINTNER,
F. GRIESSMAN.

IN THE CIRCUIT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF ILLINOIS.
NORTHERN DIVISION.

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|--|
| RECEIVED AND FILED Dec 4 1899 OPENED Feb 5 1901 At request of:— Attorney for <i>Compt.</i> S. W. BURNHAM, Clerk. |
|--|

The American Graphophone Co.)
vs.) No. 25200. In equity.
Leon F. Douglas.)

Testimony taken before William M. Booth,
Esq., United States Commissioner and Standing Examiner in
Equity, at Room 505 Monadnock Building, Chicago, on Saturday,
December 2nd, 1899, pursuant to the notice hereto annexed, to
be read in evidence on behalf of the complainant in the above
entitled cause.

Present: Taylor E. Brown, Esq., Solicitor for complainant;
no appearance on behalf of defendant.

And thereupon the following proceedings were had:

Complainant's solicitor offers in evidence a certified
copy of the deposition of Leon F. Douglas, taken in a case
pending in the United States Circuit Court for the Northern
Division ^h of the Northern District of Illinois, in a certain
cause therein pending, in equity, number 25186, entitled
American Graphophone Company vs. The Talking Machine Co.,
The Polyphone Co., Leon F. Douglas, Henry B. Babson and Silas
F. Leachman, before M. L. Price, Notary Public on August 21st
and 23rd, 1899, with two blue print drawings attached thereto

and marked respectively, "Complainant's Exhibit, drawing Douglas Duplicating Machine, sheet 1, M. P. Price, Notary Public;" and "Complainant's Exhibit, drawing Douglas Duplicating Machine, sheet 2, M. E. Price, Notary Public;" and certified to be a true copy of the deposition of said Douglas under the seal of the Circuit Court, and the hand of S. W. Burnham, the Clerk thereof, and the same is identified with this record as "Complainant's Exhibit Douglas Deposition and drawings of duplicating machines in suit No. 25186, W. M. Booth, Standing Examiner".

And thereupon the further taking of proof under this notice is concluded.

William M. Booth Standing Examiner.

I, William M. Booth, United States Commissioner and Standing Examiner in Equity, in and for the Circuit Court of the United States of the Northern Division of the Northern District of Illinois, do hereby certify that the foregoing proceedings were taken by and before me pursuant to the annexed notice, at my office, 505 Monadnock Building, Chicago, Illinois, beginning at 10 o'clock in the forenoon of Saturday, December 2nd, 1899; that said proceedings were taken on the part of the complainant, to be used on the final hearing of a certain cause now pending in the Circuit Court of the United States for the Northern Division of the Northern District of Illinois, wherein the American Graphophone Co. is complainant follows, to-wit:

Complainant's Exhibit
Machine in the case
W. W. Booth

and Leon F. Douglas is defendant; that the complainant was present at the taking of same by its counsel, Taylor E. Brown, Esq., but no one appeared on behalf of the defendant as therein appears.

And I do further certify that I am neither attorney nor counsel for any of the parties in said deposition or caption named, and am in no wise interested in the result of said cause.

I do further certify that my charge for attending the taking of this proceeding is \$10.⁰⁰ and that the same has been paid by complainant's solicitor.

In witness whereof I have hereunto set my hand and affixed my seal this 2nd day of December, A. D., 1899.

William W. Booth

United States Commissioner
and Standing Examiner in
Equity.

follows, to-wit:

*Complainant's Exhibit, Douglas Deposition
and Drawings of Duplicating Machines in Suit No. 25186-
W. M. Booth.
Standing Examiner -*

In the United States Circuit Court,
For the Northern District of Illinois,
Northern Division.

| | |
|---|---------------|
| AMERICAN GRAPHOPHONE COMPANY, |) |
| vs. |) In Equity, |
| THE TALKING MACHINE COMPANY, |) No. 25,186. |
| THE POLYPHONE COMPANY, LEON F. DOUGLASS) | |
| HENRY B. BABSON AND SILAS F. LEACHMAN.) | |

Deposition taken before M.L. Price, Notary Public,
Room 806. Marquette Building, Chicago, Illinois.

Taylor E. Brown, Esq., Solicitor for Complainant,
John W. Munday, Esq., Solicitor for defendants, Also
the defendant, Leon F. Douglass.

Monday, August 21st, 1899, ten o'clock A.M. Met
pursuant to adjournment. Present as before.

And thereupon complainant's solicitor requests the
Notary to swear the defendant, Leon F. Douglass for
Complainant.

And thereupon Leon F. Douglass, one of the defendants
having been first duly sworn, upon oath testifies in answer to
interrogatories put by Mr. Brown, complainant's solicitor, as
follows, to-wit:

Q 1 Please state your name, age , residence and occupation?

A My name is Leon F. Douglass, I am 30 years of age, my residence is 10. 77 Lincoln Park Boulevard, Chicago, Illinois, and my occupation is the talking machine business and duplicate sound records.

Q 2 You are one of the defendants in this case, are you not ?

A I am.

Q 3 Mr. Douglass, were you served on or about the 18th day of August by United States deputy marshal with a subpoena duces tecum requiring, among other things, that you produce at this hearing "One of each type of seven certain apparatus commonly known as duplicating machines for duplicating sound records in your possession or subject to your order or control and which were by you delivered to the United States marshal on an order of Hon. Christian C. Kohlsaat, U.S. District Judge, dated May 24th, 1899, and subsequently returned to you; and to also bring with you a detail drawing of each type of said apparatus or machine ?"

(By defendant's counsel) Opportunity is here taken to most earnestly protest against the attempted abuse of the process of this court by the suing out of a subpoena in the above form.

A I was served with a subpoena on or about the 18th of August, which I did not understand to be an order of the court nor did I understand that I was under any obligation to produce the machines or drawings, as I have no drawings.

Q 4 Did you read that subpoena or have it read to you in your presence or hearing ?

Q 5 And you observed thereon the signatures of the clerk and the impress of the seal of the court, did you not ?

A I did not notice the seal of the court, and did not understand it to be an order of the court.

Q 6 You have not produced either of the machines called

for or any of the drawings called for. Do you decline to do so? and if so, state your reason?

A I did not produce the machines. I have not the least objection in the world to the machines being examined for any purpose in connection with this case, and I have no objections to drawings being made of the machines for use in this case. The machines were all screwed down to the operating table and adjusted for making records when they were taken away before by the order of the court, and it took two or three days to readjust them.

Q 7 Will you state a time when my draftsman can visit your place of business to inspect these machines for the purpose of making sketches for the drawings that you stated in your last answer you had no objection to being made?

A Any time. I would suggest tomorrow morning, if convenient to the draftsman.

Q 8 I will send a draftsman, then, to your place of business at nine o'clock, tomorrow morning, with instructions to you and to make such sketches of the duplicating machine that you will point out to him, and after those sketches are reduced to the form of drawings I would like then to present them to you on the witness stand for identification only.

The sound record that I now hand to you, Mr. Douglass, is one marked with the title of this cause, "Complainant's Exhibit Duplicates of Lester's Original Record Nos 1 and 2, Marie L. Price Notary Public, and is one of the Exhibits identified by the affidavits used on behalf of the complainant in support of its motion for preliminary injunction in this case. Please examine this record and state whether or not it is a duplicate sound record?

A I have examined the records just handed to me. One of the records I believe to be a duplicate sound record; the other I cannot state positively whether it is or not. " Mr. Johnson turn me Loose" is the one I identify as being a duplicate. This record is marked No. 2.

Q 9 It is a fact, is it not, that duplicates or replicas of sound records cannot be produced upon a graphophone or a phonograph without the aid of a duplicating attachment ?

A I have made satisfactory commercial records without any duplicating attachment whatever, by using my invention known as the "Concert Phonograph" or " Graphophone Grand" with a large horn on the same, reproducing the record in the ordinary way, placing a horn on the ordinary graphophone and catching the sounds as they are thrown out into the room and recording them in the same manner as if the original band was playing. Therefore, I do not consider it absolutely necessary to have a duplicating mechanism, as you use the machines as they are intended to be used without any attachment whatsoever.

Q 10 I understand you to mean that in the instances referred to, the two machines are placed opposite each other so that the grand machine with the large horn talks into the machine with the small horn, on which latter the duplicate record is being made, and that in this operation you have no mechanical or other connection between the two machines. Did I understand you correctly ?

A That is correct.

Q 11 Do you use this method commercially in your business ?

A I do not, for several reasons. This is a more expensive way of making the records than the other way known as the mechanical method, and as I have a license from the American Graphophone Company for making duplicate sound records, I have

been using that method of making them since 1891. and I prefer to use that style, as one can make a larger number of records in a day than he could with the other way.

Complainant's counsel here states for the information of the court, that in refraining from interrogating this witness upon the claim of license set up in defendant's answer and referred to in the last answer by the witness, he does not wish to be understood as admitting ^{even} by implication that such a license exists, and states for the information of counsel that this branch of the case will be considered later by the general counsel of the complainant Company, Mr. Philip Mauro.

Q 12 Is there not still another method of producing duplicate sound records, known as "the Douglass Air Tube Method?"

A There is an other method such as you speak of, which is practically the same as the mechanical method, for the reason that air confined in a tube is governed by the same laws or acts the same as a solid.

Q 13 This so-called "Douglass tube method" is set forth in United States letters patent No. 475,490, dated May 24, 1892, upon an application for a patent filed by you, March 17th 1892, is it not?

A I do not remember the dates and number exactly, though there is such a patent.

Q 14 You recall, do you not, the execution of an affidavit by you on or about the 18th day of April, 1898, for use and filed in a suit pending in the United States Circuit Court for the northern division of the northern district of Illinois, entitled "American Graphophone Company vs. Western Phonograph Company and W. B. Backof?"

A I remember making an affidavit in that case which

Poole & Brown drew up for me and asked me to sign. They asked me to state that duplicating license had not been granted except to the National Phonograph Company, and I told them that that was not true, that I had a license from the American Graphophone Company. They changed my affidavit, striking out that part of it, and I then signed it .

So much of the answer of the witness as follows the first sentence thereof, and which begins with the words "they asked me" is objected to as improper and incompetent being volunteered and not being responsive to the question.

Q 15. Did such affidavit contain the following paragraphs :-

"First: The sound records described in U.S. Letters Patent No. 341,214, on which this suit is brought, are of two kinds, namely; Original records and duplicate records, both of which are equally covered by the claims of said letters patent: Those known as original records being made by the use of phonographs, graphophones or like machines, which are sold by the said American Graphophone Company and its licensees for use in making such original records, and those known as duplicate records being reproductions of original records which can be made only from such original records by machines especially designed for the purpose.

"Second: No duplicate records could have been made by the use of a graphophone, phonograph, or like machines furnished by the American Graphophone Company or other authorized concern for the reason that all such machines are designed and adapted for making original sound records only, and the making of duplicate records by the use of such machines is impossible without such changes therein or additions thereto as

" Third: No duplicate record could have been made by the use of duplicating machines purchased from the American Graphophone Company, or its licensees, for the reason that said company is the owner of all United States Patents (including one obtained by affiant and assigned to said Company) which cover the only practical means for producing duplicate from original records, and also because said American Graphophone Company and its sole selling agent, the Columbia Phonograph Company, makes it an invariable rule to sell no duplicating machines, and known can be purchased by those who are not licensees."

Objected to as incompetent and not the best evidence.

A This affidavit was made more than a year ago. I did understand at that time that U. S. letters patent No. 341,214 covered both kinds of records, known as original and duplicate records. Further information on this subject, however, has shown me that it only covers the making of an original sound record, and was never intended to cover the making of the duplicate sound record. This patent does not speak of making a duplicate sound record, nor could you believe from the patent that it ever contemplated the making of a duplicate sound record, as it does not describe any method of making one. In reply to the second paragraph I will state that I at that time had never tried the making of a duplicate record by the aid of the Concert Phonograph, to which I have above alluded in a previous answer and there is a vast difference between the reproduction of the Concert machine and the machines on the market at the time this affidavit was made. In the third paragraph I stated that the

American Graphophone Company did not as a rule sell duplicating machines or apparatus, and I stated at the time the affidavit was made, that they had so made duplicating apparatus, which I was using under my license, and the affidavit was changed after I made that statement to its present form- that is to say the first affidavit made up stated that the American Graphophone Company had never sold any duplicating apparatus, which was not true, and we then inserted the words, or changed it," and now can be purchased by those who are not licensed."

And thereupon an adjournment was taken until Wednesday, August 23rd, 1899, at ten o'clock A. M.

M. L. Price,
Notary Public.

Wednesday, August 23rd, 1899, at ten o'clock
A.M. Met pursuant to adjournment,

Present as before.

Examination of witness, Leon F. Gouglass resumed.

Q 16 Please look at the two sheets of drawings which I now hand to you, and which were made by my draftsman after sketches made at your place of business, where he inspected the duplicating machines, and state how accurately these drawings represent such machines ?

A. The drawing illustrated on Sheet No. 1 represents a duplicating mechanism invented by me in 1889. The drawing was made from the identical machine made by me in August 1892, and works on the same principle as the machine made by me for the American Graphophone Company in 1892. I made records on this identical machine in 1892 and sent to Mr. Easton, of the American Graphophone Company and wrote to him about it. I have been using this machine ever since. This is the machine the American Graphophone Company charged me with hiding, which is

ridiculous, for the reason that Mr. Easton and other officers of the American Graphophone Company has seen the machine working at my house and also in the room, which they claim is so carefully guarded. They have been in this room many times. This is the machine I am licensed to use by the American Graphophone Company, and they have received over a half million dollars from the use of this machine. If my license is no good now it was no good when it was given to me, which would be a fraud on me, as I gave valuable consideration for it, which amounts now to over half a million dollars. I certainly understood I was always to be allowed to use it without interference, and I am sure the American Graphophone Company intended that I should always have the right to use this, and do not believe I would be interfered with now if the American Graphophone Company did not want my other valuable invention, known as the "Concert" or "Grand " machine, which I refused to give up. The drawing illustrates an ordinary Edison phonograph, which is licensed by the American Graphophone Company. I simply add to the regular speaker arm, which I have marked A in the diagram, an upright support, marked B, also a weighted lever C fulcrumed in the arm B to support a regular Edison stylus arm marked D. I also add arms to each end of the phonograph, which are not shown in the drawing, to support the upper mandrel and cylinder, marked E, which is an ordinary Edison mandril, holding an original record made in the ordinary way. The blank to receive the duplicate record is placed on the lower or regular mandril marked F, of the phonograph.

As to the second drawing, marked No. 2, it is the mechanism I was trying at the time the marshal took the machine away. I had not used this for making records. It works on the same principle as the other machine.

So much of the answer to Q 16 as precedes the words "The drawing illustrates an ordinary Edison Phonograph" in the beginning of the 10th sentence of that answer, is objected to as not being responsive to the question, and as volunteered.

Q 17 Mr. Douglass, in giving your last answer down to the time where you began to describe the drawings, you dictated the same to the notary from a written memorandum or slip of paper which you held in your hand, did you not ?

A I made up a memorandum for use.

Q 18 And you came here prepared to make this statement from such memorandum if the opportunity offered, did you not?

A I supposed I would be asked to identify this duplicating machine, of which you had drawings made and I wished to as fully identify it as possible.

Q 19 So then, your answer to my last question is "Yes is it not ?

A I did, as I thought it was a proper answer to the question, so as to fully identify the machine.

Q 20 Referring now to Sheet 1, please state what the drawing represents, where I have placed the letters G and H ?

A The arm marked G is the regular Edison recording arm, holding the recording sapphire, and the letter H represents the prolonged link, the same as is used in the Edison speaker or diaphragm connected with the reproducing arm D, instead of attached to the diaphragm glass, as used in the regular speaker.

Q 21 Referring now to sheet 2, please state what the letters A and B represent ?

A The A represents the ordinary Edison mandril on which the master record is placed, and B represents also the Edison mandril on which the blank is placed.

Q 22 What are the parts lettered C, D and E ?

A Letter C is the reproducing arm; letter D is the recording arm; letter E is a connecting yoke or link between the two stylus arms, which corresponds to letter H of the drawing on sheet 1.

Q 23 On which of these machines was the duplicate record heretofore shown you, marked " Complainant's Exhibit Duplicate of Lester's Original Record No. 2, M.L. Price, Notary Public." and containing the song known as " Mr. Johnson Turn me Loose" made, if you know ?

A I do not know that it was made on either of these machines. I have made a great many thousand such records on the machine shown in drawing No. 1 and if it was made by me it was made on that machine.

Q 24 Do I understand correctly that practically all the duplicate records that you have made, outside of experimental duplicate records, or on experimental machines, were made on machines like those shown in Sheet 1 of the drawings ?

A As I stated before, the machine shown in drawing No. 2 was a new experiment, which I was trying when the marshal seized the machines. As I did not have as good success with it as I had with my regular apparatus, I had never made any records on that machine for sale. All records have been made on the other sound machine, like the drawing in Sheet No. 1.

Q 25 Will you state definitely whether or not this duplicate record identified by you, was made either by yourself or some person in your employ ?

A I cannot state whether it was made by my employes or myself, nor who it was made by. I will state again that I have made many duplicate sound records, and this may be one of them.

Complainant here introduces in evidence the sound record referred to by the witness, containing the words of the song " Mr. Johnson Turn me Loose," and the same is

marked " Complainant's Exhibit Duplicate Sound Record, M.L. Price Notary Public."

Complainant's solicitor also offers in evidence blue prints of the two sheets of drawings identified by the witness and the same are identified with the records of this case as " Complainant's Exhibit Douglass Duplicating Machine, Sheet 1, M.L. Price, Notary Public," and "Complainant's Exhibit Drawing Douglass Duplicating Machine, Sheet 2, M.L. Price, Notary Public."

Direct Examination Closed.

Cross Examination by Mr. Munday.

X Q 26 Mr. Douglass, have you at any time endeavored to conceal from the complainant herein or its officers, counsel or attorneys, the fact that you are and have been engaged in the manufacture of duplicate sound records like the sample offered in evidence, by the use of machines like or similar to those shown in the drawings offered in evidence? State the facts concerning this?

Objected to as not proper cross examination.

A I kept my duplicating process a secret up to 1892, as I had no patent on it. I have never denied making duplicate records, or kept any information from them at any time since then.

X Q 27 Have you any reason to suppose that the American Graphophone Company, complainant, or its officers or attorneys are familiar with the machine, for example, the machine shown in Sheet 1 of the drawing offered in evidence?

Last objection repeated.

A I believe that several of the officers of the American Graphophone Company, and its counsel, Mr. Mauro, is familiar with this style of machine, because I have shown it to Mr. Easton and other officers, and Mr. Mauro once applied for a patent on this machine in my name, assigned to Mr. Easton.

X Q 28. State the date of this application, if you know ?

A It was filed January 21st, 1895, Mr. Mauro is a witness to my signature on this application.

Cross Examination Closed.

Leon F. Douglass.

Complainant's counsel here announces the conclusion of the taking of depositions under the present notice, but states for the information of counsel that he understands it to be the intention to take further depositions in the city of Washington, D. C. on or about the 1st of September, and that a formal notice of course will be served as soon as possible.

State of Illinois,)
County of Cook,) ss.

I, Marie L. Price, a Notary Public, in and for the County of Cook and State of Illinois, do hereby certify that the foregoing depositions of Charles W. Hills and Leon F. Douglass, were taken by and before me pursuant to the annexed notice, at Room 806 Marquette Building, Chicago, Illinois, beginning at ten o'clock A.M. August 17th, 1899 and continuing by adjournment until August 23rd; when it was completed; that said depositions were taken on the part of the complainant to be used on the hearing of a certain cause now pending in the Circuit Court of the United States for the Northern District of Illinois, northern division, wherein the American Graphophone Company is complainant and The Talking Machine Company et al are defendants that the parties to said cause were present at the taking of the same, complainant by its counsel, Taylor E. Brown, Esq., and defend-

ants by their counsel, John W. Munday, Esq., as therein appears that before deposing the said Charles W. Mills and Leon F. Douglass were by me duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid, and their depositions reduced to writing by me from their statements, and the same were duly subscribed before me by the said witnesses. I do further certify that my charge for taking the above depositions is \$51.90, and has been paid by the complainant.

And I do further certify that I am neither attorney nor of counsel for any of the parties in said deposition or caption named, and am in no wise interested in the result of said cause.

In testimony whereof, I have hereunto set my hand and affixed my Notarial Seal this 3rd day of October, 1899.

Marie L. Price.-

(Seal)

Notary Public.

Northern District of Illinois,)

ss.

Northern Division,)

I, S. W. Burnham, Clerk of the Circuit Court of the United States for said Northern District of Illinois, do hereby certify the above and foregoing to be a true and complete copy of the Deposition of Leon F. Douglass filed in said Court on the eleventh day of October, 1899, in the cause entitled American Graphophone Company vs. The Talking Machine Company, The Polyphone Company, Leon F. Douglass, Henry B. Babson and Silas F. Leachman, as the same appears from the original thereof now remaining in my custody and control.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said court at my office in the city of Chicago, in said District this First day of December, 1899.


Clerk.

IN THE UNITED STATES CIRCUIT COURT
FOR THE NORTHERN DIVISION OF THE
NORTHERN DISTRICT OF ILLINOIS.

The American Graphophone Company, :
: :
vs. : In Equity,
: :
Leon F. Douglass. : No. 25,200.

N O T I C E.

To

Messrs Munday, Evarts & Adcock,
#906 Marquette Building,
Chicago, Illinois,
Solicitors for Defendant.

Gentlemen:-

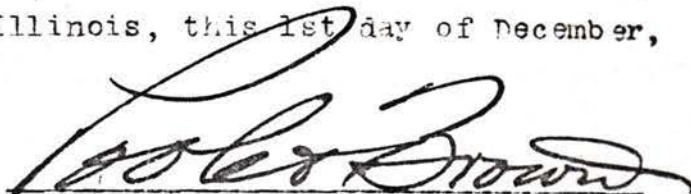
You will please take notice that on Saturday, December 2nd, 1899, beginning at ten o'clock in the forenoon, we shall proceed before William M. Booth, United States Commissioner, at his office in the Monadnock Building, Chicago, Illinois, or other competent officer, to take further proofs on behalf of the complainant in the above entitled cause, the same to be used in evidence on behalf of the complainant at the final hearing of said cause.

The proceedings, aside from the formalities thereof will consist in the offering in evidence of a certified copy of a deposition of the defendant, Leon F. Douglass, taken on Monday August 21st, 1899, in, and filed in the cause pending in the United States Circuit Court for the Northern Division of the Northern District of Illinois, entitled "American Graphophone Company vs. The Talking Machine Company, et al. In Equity. No. 25,186", with blue prints attached, entitled in said cause and

marked "Complainant's Exhibit Drawing Douglass Duplicating Machine, Sheet 1. M. L. Price, Notary Public", and "Complainant's Exhibit Drawing Douglass Duplicating Machine, Sheet 2. M. L. Price, Notary Public", referred to in said deposition.

No witnesses will be examined, but opportunity will be offered you to enter upon the record such objections to the introduction of this Exhibit as you may be advised.

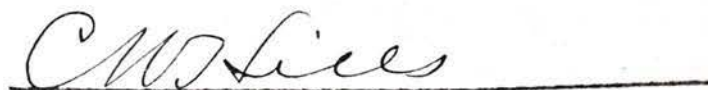
Signed at Chicago, Illinois, this 1st day of December,
A. D. 1899.



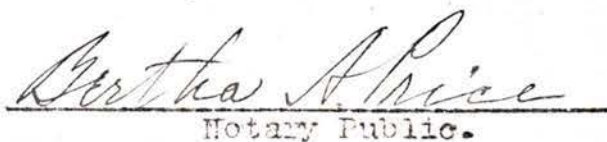
Solicitors for Complainant.

State of Illinois, :
 : SS.
County of Cook. :

C. W. Hills, of lawful age, being first duly sworn upon oath deposes and says that he served the foregoing notice by delivering a true copy thereof personally to Edmond Adcock, Esq., one of the firm of Munday, Evarts & Adcock, defendants solicitors, at their offices 906 Marquette Building, Chicago Ill., between three and four o'clock on the 1st day of December, 1899.



Subscribed and sworn to before me
this 1st day of December, A.D. 1899.


Notary Public.

IN THE CIRCUIT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF ILLINOIS, NORTHERN
DIVISION.

* * *

| | | |
|-------------------------------|---|-------------------------|
| AMERICAN GRAPHOPHONE COMPANY, |) | |
| |) | |
| vs. |) | In Chancery No. 25,200. |
| |) | |
| LEON F. DOUGLASS. |) | |

FINAL DECREE.

This cause coming on this day to be heard upon the pleadings and proofs taken herein, and upon the annexed consent, and the Court being fully advised in the premises, it is now, without costs to either party as against the other,

ADJUDGED, ORDERED, and DECREED as follows:

I. That Letters Patent of the United States No. 488,381, granted December 20, 1892, to Gianni Bettini, are good and valid; and that at the time of filing the Bill of Complaint herein the Complainant, the AMERICAN GRAPHOPHONE COMPANY, was possessed of all the full and exclusive right, title, and interest in and to the said Letters Patent (both at law and in Equity) and of all claims for infringement thereof.

II. That the defendant has infringed the claims of said patent and the rights of complainant thereunder, (A) by making and using and selling and by causing to be made, used and sold certain apparatus known as Duplicating-machines or Duplicators, which machines embody and contain and operate in substantial accordance with the various inventions and improvements set forth and claimed in and by the claims of the said Letters Patent No. 488,381; and (B) by making and using and selling and by causing to be made and used and sold certain

duplicate sound-records produced by means of said duplicating-machines.

III. And a perpetual injunction, pursuant to the prayers of the Bill, issue against the said defendant, Leon F. Douglass.

And it being represented in the Court that the parties here to have mutually arranged and fully settled all controversy and claims between them, arising in connection not only with this suit but three other suits in Chancery now pending in this same Court and about to be terminated brought by this Complainant and respectively docketed 25,186; 25,187; and 25,199, it is further

ADJUDGED, ORDERED and DECREED that an accounting be waived as to any profits arising by reason of the aforesaid infringement; and that each party hereto pay its own costs and disbursements.

Dated Chicago, Illinois, November 10th 1902.

U. S. Judge.

We hereby consent to the filing and entry of the foregoing final decree.


Solicitors for Complainant.


Solicitors for Defendants.